

federal register

FRIDAY, OCTOBER 3, 1975



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PROCLAMATION 4397

Japan-United States Friendship Days

By the President of the United States of America

A Proclamation

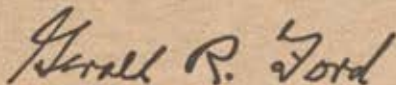
Their Majesties, the Emperor and Empress of Japan will officially begin their State visit to the United States of America on October 2, 1975. This visit which extends through October 13, 1975 will be the first State visit to the United States of America by a reigning Emperor of Japan. The State visit of the Emperor and Empress of Japan openly symbolizes the close ties of friendship, goodwill and common goals to which the Japanese and American people are dedicated. Their visit will contribute immeasurably to mutual understanding and respect between the United States of America and Japan.

We warmly welcome Their Majesties to our country.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate the period beginning October 2, 1975, through October 13, 1975, as Japan-United States Friendship Days.

I call upon the people of the United States and interested groups and organizations to observe this period with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of October, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the two hundredth.



[FR Doc.75-26858 Filed 10-2-75;12:25 pm]

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel CHAPTER I—CIVIL SERVICE COMMISSION PART 213—EXCEPTED SERVICE

Department of Agriculture

Section 213.3313 is amended to show that one position of Confidential Assistant to the Assistant Secretary for Conservation, Research, and Education is excepted under Schedule C.

Effective on October 3, 1975.

Section 213.3313(a) (11) is revised as set out below:

§ 213.3313 Department of Agriculture.

(a) * * *

(11) Two Confidential Assistants to the Assistant Secretary for Conservation, Research, and Education.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[FR Doc. 75-26478 Filed 10-2-75; 8:45 am]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one position of Special Assistant to the Deputy Assistant Secretary for Legislation (Health) is reestablished under Schedule C.

Effective on October 3, 1975.

Section 213.3316(f) (11) is added as set out below:

§ 213.3316 Department of Health, Education, and Welfare.

(f) Office of the Assistant Secretary for Legislation. * * *

(11) One Special Assistant to the Deputy Assistant Secretary for Legislation (Health).

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[FR Doc. 75-26481 Filed 10-2-75; 8:45 am]

PART 213—EXCEPTED SERVICE

Environmental Protection Agency

Section 213.3318 is amended to show that one position of Legislative Affairs

Specialist is excepted under Schedule C. Effective on October 3, 1975.

Section 213.3318(b) (6) is added as set out below:

§ 213.3318 Environmental Protection Agency.

(b) * * *

(6) One Legislative Affairs Specialist.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[FR Doc. 75-26479 Filed 10-2-75; 8:45 am]

PART 213—EXCEPTED SERVICE

General Services Administration

Section 213.3337 is amended to show that one position of Director of Communications is excepted under Schedule C. Effective on October 3, 1975.

Section 213.3337(a) (19) is added as set out below:

§ 213.3337 General Services Administration.

(a) Office of the Administrator. * * *

(19) Director of Communications.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[FR Doc. 75-26480 Filed 10-2-75; 8:45 am]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 14]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period October 5-11, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was ar-

rived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.314 Lemon Regulation 14.

(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is fairly active this week. Average f.o.b. price was \$8.42 per carton the week ended September 27, 1975, compared to \$8.30 per carton the previous week. Track and rolling supplies at 47 cars were down 14 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a

reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 30, 1975.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period October 5, 1975, through October 11, 1975, is hereby fixed at 210,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 2, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 75-26858 Filed 10-2-75; 11:48 am]

[Grapefruit Reg. 64]

PART 913—GRAPEFRUIT GROWN IN THE INTERIOR DISTRICT IN FLORIDA

Limitation of Handling

This regulation fixes the quantity of Florida Interior grapefruit that may be shipped to fresh market during the weekly regulation period Oct. 6-12, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 913. The quantity of grapefruit produced in the Interior District in Florida so fixed was arrived at after consideration of the total available supply of Florida Interior grapefruit, the quantity currently available for market, the fresh market demand for Florida Interior grapefruit, Interior grapefruit prices, and the relationship of season average returns to the parity price for Florida grapefruit.

§ 913.364 Grapefruit Regulation 64.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and

Order No. 913, as amended (7 CFR Part 913), regulating the handling of grapefruit grown in the Interior District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Interior Grapefruit Marketing Committee, established under said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of Interior District grapefruit that may be marketed during the ensuing week stems from the production and marketing situation confronting the Interior District grapefruit industry. The committee has submitted its recommendation with respect to the total quantity of grapefruit which it deems advisable to be handled during the next succeeding week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the market demand for Florida Interior District Grapefruit is slow. Average f.o.b. prices per 4/5 bushel carton were \$2.70 for white seedless and \$2.89 for pink seedless during the week ended September 28, 1975. Shipments for the week ended September 28 and for the previous week were 460 cartons and 414 cartons, respectively. On September 28, 1975, there were approximately 10,529 cartons of Interior District grapefruit remaining for interstate shipments while 1,471 cartons had been shipped to that date. Having considered the recommendation and information submitted by the committee, and other available information the Secretary finds that the quantity of grapefruit which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Interior grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified

herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Interior grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 30, 1975.

(b) *Order.* (1) The quantity of grapefruit grown in the Interior District which may be handled during the period October 6, 1975, through October 12, 1975, is hereby fixed at 187,500 standard packed boxes.

(2) As used in this section, "handled", "Interior District", "grapefruit", and "standard packed box" have the same meaning as when used in said marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 2, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 75-26724 Filed 10-2-75; 8:45 am]

PART 948—IRISH POTATOES GROWN IN COLORADO

PART 980—VEGETABLES: IMPORT REGULATIONS

Handling Regulation—Area No. 2

This regulation, designed to promote orderly marketing of Colorado Area No. 2 potatoes, imposes minimum quality standards and requires inspection of fresh shipments to keep lower quality potatoes from being shipped to consumers.

Notice of rule making with respect to a proposed handling regulation to be made effective under Marketing Agreement No. 97 and Order No. 948, both as amended (7 CFR Part 948), regulating the handling of Irish potatoes grown in Colorado, Area No. 2, was published in the FEDERAL REGISTER September 3, 1975 (40 FR. 40528). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). Interested persons were afforded an opportunity to file written data, views, or arguments pertaining thereto through September 22, 1975. None was filed.

The recommendations of the committee reflect its appraisal of the composition of the 1975 crop of Colorado potatoes and of the marketing prospects for this season. The requirements this year are U.S. No. 2 or better grade with a minimum diameter of 2 inches for round varieties and 1½ inches for long varie-

ties. Size B may be shipped if U.S. No. 1 or better grade. Maturity requirements are not more than "moderately skinned" for all varieties, except that for the Russet Burbank and Red McClure varieties, any grade better than U.S. No. 2 must be no more than "slightly skinned." These maturity requirements terminate on October 31. These requirements, similar to those which were in effect (39 FR 31908) through June 30, 1975, are necessary to prevent potatoes of lesser maturities, lower quality, or undesirable sizes from being distributed in fresh market channels. Also, they will provide consumers with good quality potatoes consistent with the overall quality of the crop.

Exceptions are provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable.

Shipments may be made to certain special purpose outlets without regard to the grade, size, maturity and inspection requirements, provided that safeguards are met to prevent such potatoes from reaching unauthorized outlets. Seed is so exempted because requirements for this outlet differ greatly from those for fresh market. Shipments for use as livestock feed are likewise exempt. Since no purpose would be served by regulating potatoes used for charity purposes, such shipments are exempt. Also potatoes for most processing uses are exempt under the legislative authority for this part.

After consideration of all relevant matters presented, including the proposal set forth in the notice which was recommended by the Colorado Area No. 2 Potato Committee, established pursuant to said marketing agreement and order, it is hereby found that the handling regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this section until 30 days after its publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of potatoes grown in the production area will begin on or about the effective date specified herein, (2) to maximize benefits to producers, this regulation should apply to as many shipments as possible during the marketing season, (3) information regarding the provisions of this regulation, which are similar to those which were in effect during the previous marketing season, has been made available to producers and handlers in the production area, and (4) compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed by such effective date.

§ 948.374 Handling regulation.

From the effective date of this handling regulation, through June 30, 1976, no person shall handle any lot of potatoes grown in Area No. 2 unless such potatoes meet the requirements of paragraphs (a), (b), and (c) of this section, or unless such potatoes are handled in

accordance with paragraphs (d), (e), or (f) of this section. The maturity requirements specified in paragraph (b) shall terminate October 31, 1975, at 11:59 p.m. M.S.T.

(a) *Minimum grade and size requirements.* (1) *Round varieties.* U.S. No. 2 or better grade, 2 inches minimum diameter.

(2) *Long varieties.* U.S. No. 2 or better grade, 1½ inches minimum diameter.

(3) *All varieties.* Size B, if U.S. No. 1 or better grade.

(b) *Maturity (skinning) requirements.* (1) *Russet Burbank and Red McClure varieties.* For U.S. No. 2 grade not more than "moderately skinned" and for other grades not more than "slightly skinned."

(2) *All other varieties.* Not more than "moderately skinned."

(c) *Inspection.* (1) No handler shall handle any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment. For purposes of operation under this part it is hereby determined pursuant to paragraph (d) of § 948.40, that each inspection certificate shall be valid for a period not to exceed 5 days following the date of inspection as shown on the inspection certificate.

(2) No handler may transport or cause the transportation by motor vehicle of any shipment of potatoes for which an inspection certificate is required unless each shipment is accompanied by a copy of the inspection certificate applicable thereto and the copy is made available for examination at any time upon request.

(d) *Special purpose shipments.* (1) The grade, size, maturity and inspection requirements of paragraphs (a), (b), and (c) of this section and the assessment requirements of this part shall not be applicable to shipments of potatoes for:

- (i) Livestock feed;
- (ii) Relief or charity; or
- (iii) Canning, freezing, and "other processing" as hereinafter defined.

(2) The grade, size, maturity and inspection requirements of paragraphs (a), (b), and (c) of this section shall not be applicable to shipments of seed pursuant to § 948.6 but such shipments shall be subject to assessments.

(e) *Safeguards.* Each handler of potatoes which do not meet the grade, size, and maturity requirements of paragraphs (a) and (b) of this section and which are handled pursuant to paragraph (d) for any of the special purposes set forth therein shall,

(1) Prior to handling, apply for and obtain a Certificate of Privilege from the committee.

(2) Furnish the committee such reports and documents as requested, including certification by the buyer or receiver as to the use of such potatoes, and

(3) Bill each shipment directly to the applicable processor or receiver.

(f) *Minimum quantity.* For purposes of regulation under this part, each person may handle up to but not to exceed

1,000 pounds of potatoes without regard to the requirements of paragraphs (a), (b), and (c) of this section, but this exception shall not apply to any shipment which exceeds 1,000 pounds of potatoes.

(g) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "slightly skinned," and "moderately skinned" shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540-51.1566 of this title, effective September 1, 1971, as amended), including the tolerances set forth therein. The term "other processing" has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, dicing, or applying material to prevent oxidation does not constitute "other processing." Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

(h) *Applicability to imports.* Pursuant to section 8e of the act and § 980.1, *Import regulations* (7 CFR 980.1), Irish potatoes of the red skinned round type, except certified seed potatoes, imported into the United States during the period October 6, 1975, through June 30, 1976, shall meet the grade, size, and quality requirements specified in paragraph (a) of this section, and from October 6, through October 31, 1975, shall be not more than "moderately skinned."

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

Dated September 29, 1975, to become effective October 6, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 75-26472 Filed 10-2-75; 8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

PART 78—BRUCELLOSIS

Designation of Brucellosis Areas, Specifically Approved Stockyards, and Slaughtering Establishments

The amendments delete the following areas from the list of Modified Certified Brucellosis Areas in § 78.21 and add such areas to the list designated as Noncertified Areas in § 78.22 because it has been determined that they no longer come within the definition of a Modified Certified Brucellosis Area in § 78.1(m): De Soto County in Louisiana; Latimer and McCurtain Counties in Oklahoma; Beadle County in South Dakota; Brewster, Falls, Fannin, Harris, Haskell, Hunt, Kleberg, McClennan, Morris, Nacogdoches, Orange, Red River, Runnels, Upshur, Uvalde, Wichita, and Wilbarger Counties in Texas.

The amendments delete the following areas from the list of Noncertified Areas in § 78.22 and add such areas to the list designated as Modified Certified Brucellosis Areas in § 78.21 because it has been determined that they again come within the definition of a Modified Certified Brucellosis Area in § 78.1(m): Brown County in Illinois; Choctaw and Wagoner Counties in Oklahoma; Dimmitt, Foard, Gonzales, Hudspeth, Jackson, La Salle, Starr, and Van Zandt Counties in Texas.

The amendments delete the following areas from the list of Certified Brucellosis-Free Areas in § 78.20 and add such areas to the list designated as Noncertified Areas in § 78.22 because it has been determined that they no longer come within the definition of a Certified Brucellosis-Free Area in § 78.1(1): Big Horn, Cascade, Elaine, Fergus, Garfield, Glacier, Golden Valley, Judith Basin, Liberty, Musselshell, Pondera, Prairie, Roosevelt, Stillwater, and Yellowstone Counties in Montana; Brewster County in Texas.

The amendments delete the following areas from the list of Noncertified Areas in § 78.22 and add such areas to the list designated as Certified Brucellosis-Free Areas in § 78.20 because it has been determined that they again come within the definition of a Certified Brucellosis-Free Area in § 78.1(1): Jackson County in Illinois; Barry County in Missouri.

The amendments delete the following areas from the list of Certified Brucellosis-Free Areas in § 78.20 and add such areas to the list designated as Modified Certified Brucellosis Areas in § 78.21 because it has been determined that they now come within the definition of a Modified Certified Brucellosis Area in § 78.1(m): Crawford County in Arkansas.

The amendments delete the following areas from the list of Modified Certified Brucellosis Areas in § 78.21 and add such areas to the list designated as Certified Brucellosis-Free Areas in § 78.20 because it has been determined that they now come within the definition of a Certified Brucellosis-Free Area in § 78.1(1): Douglas County in Illinois.

Accordingly, §§ 78.20, 78.21, and 78.22 of Part 78, Title 9, Code of Federal Regulations, designating Certified Brucellosis-Free Areas, Modified Certified Brucellosis Areas, and Noncertified Areas, respectively, are revised to read as follows:

§ 78.20 Certified Brucellosis-Free Areas.

(a) *Entire States.* Arizona, California, Connecticut, Delaware, Hawaii, Indiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Hampshire, New Jersey, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, Washington, West Virginia, Wisconsin, Virgin Islands.

(b) *Specific counties within States.* (1) *Alabama.* Barbour, Cherokee, Clay, Cleburne, Dale, Etowah, Geneva, Henry, Houston, Lee, Russell.

(2) *Arkansas.* Ashley, Baxter, Benton, Boone, Bradley, Calhoun, Carroll, Clay, Cleburne, Cleveland, Columbia, Conway, Craighead, Dallas, Drew, Fulton, Gar-

land, Grant, Greene, Jackson, Lafayette, Madison, Marion, Monroe, Montgomery, Newton, Ouachita, Perry, Pike, Polk, Pope, Prairie, Searcy, Sharp, Stone, Union, Woodruff, Yell.

(3) *Colorado.* Adams, Alamosa, Arapahoe, Archuleta, Bent, Boulder, Chaffee, Cheyenne, Clear Creek, Conejos, Costilla, Crowley, Custer, Delta, Denver, Dolores, Douglas, Eagle, Elbert, El Paso, Fremont, Garfield, Gilpin, Grand, Gunnison, Hinsdale, Huerfano, Jackson, Jefferson, Kit Carson, Lake, La Plata, Larimer, Las Animas, Lincoln, Logan, Mesa, Mineral, Moffat, Montezuma, Montrose, Otero, Ouray, Park, Phillips, Pitkin, Rio Blanco, Rio Grande, Routt, Saguache, San Juan, San Miguel, Sedgwick, Summit, Teller, Washington, Weld.

(4) *Florida.* Baker, Bay, Brevard, Calhoun, Dade, Dixie, Escambia, Franklin, Gadsden, Gulf, Hamilton, Holmes, Jackson, Leon, Liberty, Monroe, Okaloosa, Orange, Pasco, Santa Rosa, Seminole, Sumter, Taylor, Wakulla, Walton, Washington.

(5) *Georgia.* Appling, Atkinson, Bacon, Banks, Barrow, Brantley, Bryan, Bulloch, Burke, Butts, Camden, Candler, Charlton, Chatham, Chattahoochee, Clarke, Clayton, Cook, Crawford, Dawson, De Kalb, Echols, Effingham, Evans, Fannin, Franklin, Glascock, Glynn, Greene, Habersham, Henry, Jeff Davis, Johnson, Jones, Lanier, Laurens, Liberty, Long, Madison, McIntosh, Monroe, Peach, Rabun, Richmond, Rockdale, Schley, Screven, Stephens, Taylor, Telfair, Toombs, Towns, Treutlen, Twiggs, Upson, Ware, Washington, Wayne, Wheeler, White, Wilkinson.

(6) *Idaho.* Ada, Adams, Bannock, Bear Lake, Benewah, Blaine, Boise, Bonner, Boundary, Butte, Camas, Canyon, Carbou, Cassia, Clark, Clearwater, Custer, Elmore, Fremont, Gem, Gooding, Idaho, Jefferson, Jerome, Kootenai, Latah, Lemhi, Lewis, Lincoln, Madison, Minidoka, Nez Perce, Oneida, Owyhee, Payette, Power, Shoshone, Teton, Twin Falls, Valley, Washington, Yellowstone National Park.

(7) *Illinois.* Adams, Alexander, Boone, Bond, Bureau, Calhoun, Carroll, Cass, Champaign, Christian, Clary, Clay, Clinton, Coles, Cook, Crawford, Cumberland, De Kalb, De Witt, Douglas, Du Page, Edgar, Edwards, Fayette, Ford, Franklin, Greene, Grundy, Hamilton, Hancock, Henderson, Iroquois, Jackson, Jasper, Jefferson, Jersey, Jo Daviess, Johnson, Kane, Kankakee, Kendall, Knox, Lake, La Salle, Lawrence, Lee, Livingston, Logan, Macon, Macoupin, Madison, Marion, Marshall, Massac, McDonough, McHenry, McLean, Menard, Mercer, Monroe, Montgomery, Morgan, Moultrie, Ogle, Peoria, Perry, Piatt, Pulaski, Putnam, Randolph, Richland, Rock Island, St. Clair, Saline, Sangamon, Schuyler, Scott, Shelby, Stark, Stephenson, Tazewell, Union, Vermillion, Wabash, Warren, Washington, White, Whiteside, Will, Winnebago.

(8) *Iowa.* Adair, Adams, Audubon, Benton, Black Hawk, Boone, Bremer, Buchanan, Buena Vista, Butler, Calhoun, Carroll, Cass, Cedar, Cerro Gordo, Cherokee, Chickasaw, Clarke, Clay,

Clayton, Clinton, Dallas, Delaware, Des Moines, Dickinson, Dubuque, Emmet, Fayette, Floyd, Franklin, Fremont, Greene, Grundy, Hamilton, Hancock, Hardin, Harrison, Henry, Howard, Humboldt, Ida, Iowa, Jackson, Jasper, Jefferson, Johnson, Jones, Keokuk, Kossuth, Lee, Linn, Louisa, Lucas, Lyon, Madison, Mahaska, Marion, Marshall, Mills, Mitchell, Monona, Monroe, Montgomery, Muscatine, O'Brien, Osceola, Page, Palo Alto, Plymouth, Pocahontas, Polk, Sac, Scott, Shelby, Sioux, Story, Tama, Taylor, Union, Van Buren, Wapello, Washington, Webster, Winnebago, Winneshek, Woodbury, Worth, Wright.

(9) *Kansas.* Comanche, Doniphan, Ford, Grove, Haskell, Hodgeman, Johnson, Lane, Marshall, Pawnee, Phillips, Riley, Scott, Trego, Washington.

(10) *Kentucky.* Bell, Breathitt, Campbell, Clay, Edmonson, Floyd, Harlan, Jackson, Johnson, Kenton, Knott, Knox, Lawrence, Lee, Leslie, Letcher, Lewis, Magoffin, Martin, McCreary, Menifee, Morgan, Owsley, Pendleton, Perry, Pike, Robertson, Trimble, Whitley, Wolfe.

(11) *Mississippi.* Alcorn, Hancock, Harrison, Jackson, Stone, Tishomingo.

(12) *Missouri.* Audrain, Barry, Carter, Dallas, Douglas, Dunklin, Franklin, Gasconade, Hickory, Iron, Jackson, Laclede, Lewis, Marion, Miller, Moniteau, Montgomery, Perry, Platte, Pulaski, St. Louis, Schuyler, Shelby.

(13) *Montana.* Beaverhead, Blaine, Broadwater, Carbon, Carter, Chouteau, Custer, Daniels, Dawson, Deer Lodge, Fallon, Flathead, Gallatin, Granite, Hill, Jefferson, Lake, Lewis and Clark, Lincoln, Madison, McCone, Meagher, Mineral, Missoula, Park, Petroleum, Phillips, Powder River, Powell, Ravalli, Richland, Rosebud, Sanders, Sheridan, Silver Bow, Sweet Grass, Teton, Toole, Treasure, Valley, Wheatland, Wibaux, Yellowstone National Park.

(14) *New Mexico.* Bernalillo, Catron, Dona Ana, Grant, Harding, Lincoln, Los Alamos, Luna, McKinley, Otero, Sandoval, San Juan, Santa Fe, Sierra, Taos, Acoma Indian Reservation, Laguna Indian Reservation, Chocoma Indian Reservation, Jemez Indian Reservation, Jicarillo Indian Reservation, Mescalero Indian Reservation, Navajo Indian Reservation, Zuni Indian Reservation, Canoncito Navajo Indian Reservation.

(15) *New York.* Albany, Allegheny, Bronx, Broome, Cattaraugus, Cayuga, Chautauque, Chemung, Chenango, Clinton, Columbia, Cortland, Delaware, Dutchess, Erie, Essex, Franklin, Fulton, Genesee, Greene, Hamilton, Herkimer, Jefferson, Kings, Lewis, Livingston, Madison, Monroe, Montgomery, Nassau, New York, Niagara, Oneida, Onondaga, Ontario, Orange, Orleans, Oswego, Otsego, Putnam, Queens, Rensselaer, Richmond, Rockland, St. Lawrence, Saratoga, Schenectady, Schoharie, Schuyler, Seneca, Steuben, Suffolk, Sullivan, Tioga, Tompkins, Ulster, Warren, Washington, Wayne, Westchester, Wyoming, Yates.

(16) *South Dakota.* Aurora, Bennett, Bon Homme, Brown, Brule, Buffalo, Butte, Campbell, Charles Mix, Clark, Clay, Codrington, Corson, Custer,

Davison, Day, Deuel, Dewey, Douglas, Fall River, Faulk, Grant, Gregory, Haakon, Hamlin, Hand, Hanson, Harding, Hughes, Hutchinson, Hyde, Jackson, Jerauld, Kingsbury, Lake, Lawrence, Lincoln, Lyman, McCook, McPherson, Meade, Mellette, Miner, Minnehaha, Moody, Pennington, Perkins, Potter, Roberts, Sanborn, Shannon, Spink, Sully, Todd, Tripp, Turner, Union, Walworth, Washabaugh, Yankton.

(17) *Tennessee*. Anderson, Bledsoe, Blount, Campbell, Carter, Cheatham, Claiborne, Davidson, Decatur, Dickson, Fentress, Grainger, Greene, Grundy, Hamblen, Hancock, Hardin, Houston, Jackson, Jefferson, Johnson, Knox, Lake, Lincoln, Meigs, Monroe, Morgan, Polk, Roane, Robertson, Rutherford, Scott, Sevier, Sullivan, Unicoi, Union, Van Buren, Warren, Washington, White.

(18) *Texas*. Comal, Crane, Ector, Gray, Hansford, Hartley, Hemphill, Irion, Jeff Davis, Kerr, Kimble, Lipscomb, Llano, Loving, Newton, Pecos, Reagan, Roberts, Sterling, Terrell, Val Verde, Ward, Winkler.

(19) *Utah*. Beaver, Carbon, Daggett, Davis, Duchesne, Emery, Garfield, Grand, Iron, Juab, Kane, Millard, Morgan, Piute, Rich, Salt Lake, San Juan, Sanpete, Sevier, Summit, Tooele, Uintah, Utah, Wasatch, Washington, Wayne, Weber.

(20) *Wyoming*. Albany, Big Horn, Campbell, Carbon, Converse, Crook, Fremont, Goshen, Hot Springs, Johnson, Laramie, Natrona, Niobrara, Park, Platte, Sheridan, Sublette, Sweetwater, Teton, Uinta, Washakie, Weston.

(21) *Puerto Rico*. Adjuntas, Aguada, Aguadilla, Aguas Buenas, Aibonito, Anasco, Arroyo, Barceloneta, Barranquitas, Bayamon, Cabo Rojo, Caguas, Camuy, Canovanas (Lolza), Catano, Cayey, Ceiba, Ciales, Cidra, Coama, Comerio, Corozal, Culebra, Dorado, Fajardo, Guanica, Guayama, Guayanilla, Gurabo, Hormigueros, Humacao, Isabela, Jayuya, Juana Diaz, Lajas, Lares, Las Marias, Luquillo, Manati, Maricao, Maunabo, Mayaguez, Moca, Morovis, Naranjito, Orocovis, Patillas, Penuelas, Ponce, Quebradillas, Rincon, Rio Grande, Rio Piedras, Sabana Grande, Salinas, San German, San Juan, San Lorenzo, San Sebastian, Santa Isabel, Toa Alta, Toa Baja, Trujillo Alto, Utuado, Vega Alta, Vega Baja, Vieques, Villalba, Yabucoa, Yauco.

§ 78.21 Modified Certified Brucellosis Areas.

The following States, or specified portions thereof, are hereby designated as Modified Certified Brucellosis Areas:

(a) *Entire States*. Alaska, Nebraska.

(b) *Specific counties within States*.

(1) *Alabama*. Autauga, Baldwin, Bibb, Blount, Bullock, Butler, Calhoun, Chambers, Chilton, Choctaw, Clarke, Coffee, Colbert, Conecuh, Coosa, Covington, Crenshaw, Cullman, Dallas, De Kalb, Elmore, Escambia, Fayette, Franklin, Greene, Hale, Jackson, Jefferson, Lamar, Lauderdale, Lawrence, Limestone, Lowndes, Macon, Madison, Marengo, Marion, Marshall, Mobile, Monroe, Mont-

gomery, Morgan, Perry, Pickens, Pike, Randolph, St. Clair, Shelby, Sumter, Talladega, Tallapoosa, Tuscaloosa, Walker, Washington, Wilcox, Winston.

(2) *Arkansas*. Arkansas, Chicot, Clark, Crawford, Crittenden, Cross, Desha, Faulkner, Franklin, Hempstead, Hot Spring, Howard, Independence, Izard, Jefferson, Lawrence, Lee, Lincoln, Little River, Logan, Lonoke, Miller, Mississippi, Nevada, Phillips, Poinsett, Pulaski, Randolph, Saline, Scott, St. Francis, Sebastian, Sevier, Van Buren, Washington, White.

(3) *Colorado*. Baca, Kiowa, Morgan, Prowers, Pueblo, Yuma.

(4) *Florida*. Alachua, Bradford, Broward, Charlotte, Citrus, Clay, Collier, Columbia, De Soto, Duval, Flagler, Gilchrist, Glades, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indian River, Jefferson, Lafayette, Lake, Lee, Levy, Madison, Manatee, Marion, Martin, Nassau, Okeechobee, Osceola, Palm Beach, Pinellas, Polk, Putnam, St. Johns, St. Lucie, Sarasota, Suwanee, Union, Volusia.

(5) *Georgia*. Baker, Baldwin, Bartow, Ben Hill, Berrien, Bibb, Bleckley, Brooks, Calhoun, Carroll, Catoosa, Chattooga, Cherokee, Clay, Clinch, Cobb, Coffee, Colquitt, Columbia, Coweta, Crisp, Dade, Decatur, Dodge, Dooly, Dougherty, Douglas, Early, Elbert, Emanuel, Fayette, Floyd, Forsyth, Fulton, Gilmer, Gordon, Grady, Gwinnett, Hall, Hancock, Haralson, Harris, Hart, Heard, Houston, Irwin, Jackson, Jasper, Jefferson, Jenkins, Lamar, Lee, Lincoln, Lowndes, Lumpkin, Macon, Marion, McDuffie, Meriwether, Miller, Mitchell, Montgomery, Morgan, Murray, Muscogee, Newton, Oconee, Oglethorpe, Paulding, Pickens, Pierce, Pike, Polk, Pulaski, Putnam, Quitman, Randolph, Seminole, Spalding, Stewart, Sumter, Talbot, Taliaferro, Tattnall, Terrell, Thomas, Tift, Troup, Turner, Union, Walker, Walton, Warren, Webster, Whitfield, Wilcox, Wilkes, Worth.

(6) *Idaho*. Bingham.

(7) *Illinois*. Brown, Effingham, Fulton, Gallatin, Hardin, Henry, Mason, Pike, Pope, Wayne, Williamson, Woodford.

(8) *Iowa*. Allamakee, Appanoose, Crawford, Davis, Decatur, Guthrie, Pottawattamie, Poweshiek, Ringgold, Warren, Wayne.

(9) *Kansas*. Allen, Anderson, Atchison, Barber, Barton, Bourbon, Brown, Butler, Chase, Chautauqua, Cherokee, Cheyenne, Clark, Clay, Cloud, Coffey, Cowley, Crawford, Decatur, Dickinson, Douglas, Edwards, Elk, Ellis, Ellsworth, Finney, Franklin, Geary, Graham, Grant, Gray, Greeley, Greenwood, Hamilton, Harper, Harvey, Jackson, Jefferson, Jewell, Kearny, Kingman, Kiowa, Labette, Leavenworth, Lincoln, Linn, Logan, Lyon, Marion, McPherson, Meade, Miami, Mitchell, Montgomery, Morris, Morton, Nemaha, Neosho, Ness, Norton, Osage, Osborne, Ottawa, Pottawatomie, Pratt, Rawlins, Reno, Republic, Rice, Rooks, Rush, Russell, Saline, Sedgwick, Seward, Shawnee, Sheridan, Sherman, Smith, Stafford, Stanton, Stevens, Sumner,

Thomas, Wabaunsee, Wallace, Wichita, Wilson, Woodson, Wyandotte.

(10) *Kentucky*. Adair, Allen, Anderson, Ballard, Barren, Bath, Boone, Bourbon, Boyd, Boyle, Bracken, Breckenridge, Bullitt, Butler, Caldwell, Calloway, Carlisle, Carroll, Carter, Casey, Christian, Clark, Clinton, Crittenden, Cumberland, Davless, Elliott, Estill, Fayette, Fleming, Franklin, Fulton, Gallatin, Garrard, Grant, Graves, Grayson, Green, Greenup, Hancock, Hardin, Harrison, Hart, Henderson, Henry, Hickman, Hopkins, Jefferson, Jessamine, Laclede, Laurel, Lincoln, Livingston, Logan, Lyon, Madison, Marion, Marshall, Mason, McCracken, McLean, Meade, Mercer, Metcalfe, Monroe, Montgomery, Muhlenberg, Nelson, Nicholas, Ohio, Oldham, Owen, Powell, Pulaski, Rockcastle, Rowan, Russell, Scott, Shelby, Simpson, Spencer, Taylor, Todd, Trigg, Union, Warren, Washington, Wayne, Webster, Woodford.

(11) *Louisiana*. Acadia, Allen, Ascension, Assumption, Avoyelles, Beauregard, Bienville, Bossier, Caddo, Calcasieu, Caldwell, Cameron, Catahoula, Claiborne, Concordia, East Baton Rouge, East Carroll, East Feliciana, Evangeline, Franklin, Grant, Iberia, Iberville, Jackson, Jefferson, Jefferson Davis, Lafayette, Lafourche, La Salle, Lincoln, Livingston, Madison, Morehouse, Natchitoches, Orleans, Ouachita, Plaquemines, Pointe Coupee, Rapides, Red River, Richland, Sabine, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Tensas, Terrebonne, Union, Vermilion, Vernon, Washington, Webster, West Baton Rouge, West Carroll, West Feliciana, Winn.

(12) *Mississippi*. Adams, Amite, Attala, Benton, Bolivar, Calhoun, Carroll, Choctaw, Chickasaw, Claiborne, Clarke, Clay, Coahoma, Copiah, Covington, De Soto, Forrest, Franklin, George, Greene, Grenada, Hinds, Holmes, Humphreys, Issaquena, Itawamba, Jasper, Jefferson, Jefferson Davis, Jones, Kemper, Lafayette, Lamar, Lauderdale, Lawrence, Leake, Lee, Leflore, Lincoln, Lowndes, Madison, Marion, Marshall, Monroe, Montgomery, Neshoba, Newton, Noxubee, Oktibbeha, Panola, Pearl River, Perry, Pike, Pontotoc, Prentiss, Quitman, Rankin, Scott, Sharkey, Simpson, Smith, Sunflower, Tallahatchie, Tate, Tippah, Tunica, Union, Walthall, Warren, Washington, Wayne, Webster, Wilkinson, Winston, Yazoo.

(13) *Missouri*. Adair, Andrew, Atchison, Barton, Bates, Benton, Bollinger, Boone, Buchanan, Butler, Caldwell, Callaway, Camden, Cape Girardeau, Carroll, Cass, Cedar, Chariton, Christian, Clark, Clay, Clinton, Cole, Cooper, Crawford, Dade, Davless, De Kalb, Dent, Gentry, Greene, Grundy, Harrison, Henry, Holt, Howard, Howell, Jasper, Jefferson, Johnson, Knox, Lafayette, Lawrence, Lincoln, Linn, Livingston, Macon, Madison, Maries, McDonald, Mercer, Mississippi, Monroe, Morgan, New Madrid, Newton, Nowaday, Oregon, Osage, Ozark, Pemiscot, Pettis, Phelps, Pike, Polk, Putnam, Ralls, Randolph, Ray, Reynolds, Ripley, St. Charles, St. Clair, St. Fran-

cols. St. Genevieve, Saline, Scotland, Scott, Shannon, Stoddard, Stone, Sullivan, Taney, Texas, Vernon, Warren, Washington, Wayne, Webster, Worth, Wright.

(14) *New Mexico*. Chaves, Colfax, Curry, De Baca, Eddy, Guadalupe, Hidalgo, Lea, Mora, Quay, Rio Arriba, Roosevelt, San Miguel, Socorro, Torrance, Union, Valencia, Isleta Indian Reservation.

(15) *Oklahoma*. Adair, Alfalfa, Atoka, Beaver, Beckham, Blaine, Bryan, Caddo, Canadian, Carter, Cherokee, Choctaw, Cimarron, Cleveland, Coal, Comanche, Cotton, Craig, Creek, Custer, Delaware, Dewey, Ellis, Garfield, Garvin, Grady, Grant, Greer, Harmon, Harper, Haskell, Hughes, Jackson, Jefferson, Johnston, Kay, Kingfisher, Kiowa, LeFlore, Lincoln, Logan, Love, McClain, McIntosh, Major, Marshall, Mayes, Murray, Muskogee, Noble, Nowata, Okfuskee, Oklahoma, Okmulgee, Osage, Ottawa, Pawnee, Payne, Pittsburg, Pontotoc, Pottawatomie, Pushmataha, Roger Mills, Rogers, Seminole, Sequoyah, Stephens, Texas, Tillman, Tulsa, Wagoner, Washington, Washita, Woods, Woodward.

(16) *South Dakota*. Brookings, Edmunds, Jones, Marshall, Stanley, Crow Creek Indian Reservation.

(17) *Tennessee*. Bedford, Benton, Bradley, Cannon, Carroll, Chester, Clay, Cooke, Coffee, Crockett, Cumberland, DeKalb, Dyer, Fayette, Franklin, Gibson, Giles, Hamilton, Hardeman, Hawkins, Haywood, Henderson, Henry, Hickman, Humphreys, Lauderdale, Lawrence, Lewis, Loudon, Macon, Madison, Marion, Marshall, Maury, McMinn, McNairy, Montgomery, Moore, Obion, Overton, Perry, Pickett, Putnam, Rhea, Sequatchie, Shelby, Smith, Stewart, Sumner, Tipton, Trousdale, Wayne, Weakley, Williamson, Wilson.

(18) *Texas*. Anderson, Andrews, Aransas, Archer, Armstrong, Atascosa, Austin, Bailey, Bandera, Bastrop, Baylor, Bee, Bell, Bexar, Blanco, Borden, Bosque, Bowie, Brazoria, Brazos, Briscoe, Brooks, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Camp, Carson, Cass, Castro, Cherokee, Childress, Clay, Cochran, Coke, Coleman, Collin, Collingsworth, Colorado, Comanche, Concho, Cooke, Coryell, Cottle, Crockett, Crosby, Culberson, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, De Witt, Dickens, Dimmitt, Donley, Eastland, Edwards, Ellis, El Paso, Erath, Fayette, Fisher, Floyd, Foard, Fort Bend, Franklin, Freestone, Frio, Gaines, Garza, Gillespie, Glasscock, Gonzales, Grayson, Gregg, Grimes, Guadalupe, Hale, Hall, Hamilton, Hardeman, Hardin, Harrison, Hays, Henderson, Hill, Hockley, Hood, Hopkins, Houston, Howard, Hudspeth, Hutchinson, Jack, Jackson, Jasper, Jim Hogg, Johnson, Jones, Kaufman, Kendall, Kenedy, Kent, King, Kinney, Lamar, Lamb, Lampasas, La Salle, Lee, Leon, Limestone, Lynn, McCulloch, McMullen, Madison, Marion, Martin, Mason, Matagorda, Maverick, Medina, Menard, Midland, Milam, Mills, Mitchell, Montague, Montgomery, Moore, Motley, Navarro, Nolan, Nueces, Ochiltree, Oldham, Palo Pinto, Panola, Parker, Farmer, Polk,

Potter, Presidio, Rains, Randall, Real, Reeves, Refugio, Robertson, Rockwall, Rusk, San Augustine, San Jacinto, San Patricio, San Saba, Schleicher, Scurry, Shackelford, Sherman, Smith, Somervell, Starr, Stonewall, Sutton, Swisher, Tarrant, Terry, Throckmorton, Titus, Tom Green, Travis, Trinity, Tyler, Upton, Van Zandt, Victoria, Walker, Waller, Washington, Webb, Wharton, Wheeler, Willacy, Williamson, Wilson, Wise, Wood, Yoakum, Young, Zapata, Zavala.

(19) *Utah*. Box Elder, Cache.

(20) *Wyoming*. Lincoln.

(21) *Puerto Rico*. Arecibo, Carolina, Guaynabo, Hatillo, Juncos, Las Piedras, Naguabo.

§ 78.22 Noncertified Areas.

(a) *Idaho*. Bonneville, Franklin.

(b) *Louisiana*. De Soto.

(c) *Montana*. Big Horn, Cascade, Elaine, Fergus, Garfield, Glacier, Golden Valley, Judith Basin, Liberty, Musselshell, Pondera, Prairie, Roosevelt, Stillwater, Yellowstone.

(d) *Oklahoma*. Latimer, McCurtain.

(e) *South Dakota*. Beadle, Ziebach.

(f) *Texas*. Angelina, Brewster, Cameron, Chambers, Duval, Falls, Fannin, Galveston, Goliad, Harris, Haskell, Hidalgo, Hunt, Jefferson, Jim Wells, Karnes, Kleberg, Knox, Lavaca, Liberty, Live Oak, Lubbock, McLennan, Morris, Nacogdoches, Orange, Red River, Runnels, Sabine, Shelby, Stephens, Taylor, Upshur, Uvalde, Wichita, Wilbarger.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; sec. 3, 33 Stat. 1295, as amended; sec. 2, 65 Stat. 693; and secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111-113, 114a-1, 115, 117, 120, 121, 125, 134b, 134f; 37 FR 28464, 28477; 38 FR 19141, 9 CFR 78.16).

Effective date. The foregoing amendments shall become effective October 3, 1975.

The amendments impose certain restrictions necessary to prevent the spread of brucellosis in cattle and relieve certain restrictions presently imposed. They should be made effective promptly in order to accomplish their purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the *Federal Register*.

Done at Washington, D.C., this 29th day of September, 1975.

PIERRE A. CHALOUX,
Acting Deputy Administrator,
Veterinary Services, Animal
and Plant Health Inspection
Service.

[FR Doc. 75-26474 Filed 10-2-75; 8:45 am]

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE (MEAT AND POULTRY PRODUCTS INSPECTION) DEPARTMENT OF AGRICULTURE

PART 307—FACILITIES FOR INSPECTION

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

Overtime or Holiday Inspection Service Schedules of Operations, Billing

On December 12, 1972, there was published in the *Federal Register* (37 F.R. 26429-26430) a proposal to amend the Federal meat inspection regulations and poultry products inspection regulations to provide uniform requirements and procedures in establishments operating under Federal inspection relative to schedules of operation, overtime and holiday inspection services, and uniform billing procedures. Interested persons were given 60 days to submit data, views, and arguments on the proposed amendments.

One hundred seventy-four letters of comment were received as a result of the proposal. Although the majority of the comments did not support the proposed amendments in their entirety, many supported certain aspects of the proposed amendments while voicing opposition to others. A number of comments indicated misinterpretation of the proposed regulations and caused the Department to modify the wording of certain sections to clarify their intent.

Food inspectors, their local labor organizations, and regional councils objected to the section providing inspection service without charge for 8 hours on any five consecutive days—Monday through Saturday. This was a departure from present meat inspection regulations which require overtime payments for any inspection work on Saturdays, Sundays, and holidays. The existing poultry inspection regulations agree with the proposed regulations on this point.

The National Joint Council of Food Inspection Locals, American Federation of Government Employees, claimed that the setting of a basic workweek is a matter subject to negotiation by their organization and the Animal and Plant Health Inspection Service (APHIS). On December 27, 1973, the Federal Labor Relations Council issued a ruling supporting this contention. As a result of this ruling, APHIS negotiated with representatives of the National Joint Council on March 11 and 12, 1974, and subsequently concluded an agreement. The negotiated agreement specified that: (1) The workweek shall consist of five consecutive eight-hour days, Monday through Friday. A limited exception was granted for those plants currently working Tuesday through Saturday, and for plants in newly designated States, where otherwise the Program would be seriously handicapped. (2) Single-shift plants shall use a schedule not starting before 4 a.m. nor ending after 6 p.m. Once a starting time is approved, the schedule cannot be changed more than one hour without 2 weeks notice before the affected pay period. Changes less than one hour must not be frequent and must be approved

by the inspector-in-charge. (3) In multiple-shift plants, the first shift must conform to single-shift requirements. The second shift shall follow the first with no more than a three-hour break, and also may not start after 6 p.m. (4) Assignments from one plant to another for relief purposes involving a change from a night shift to a day or single shift, or vice versa, shall be effected only in emergencies, and then only with the approval of the Office of the Regional Director. (5) One lunch period is the only authorized interruption in the inspector's tour of duty. It may last 30 minutes, 45 minutes, or one hour. It must be provided at least four hours after the beginning of scheduled operations, and not more than five hours after, except that, if the company schedules at least a one-half hour rest break, approximately midpoint between the start of operations and the lunch break, the lunch period may be scheduled as long as 5½ hours after the beginning of scheduled operations. Before the regulations could be implemented, however, industry representatives on April 24, 1974, secured a decision in the U.S. District Court for the Eastern Division of Virginia. The Court thereby held that the Federal Labor Relations Council had failed to consider the economic impact on the industry, and reversed and remanded the decision to the Council for reconsideration. On June 10, 1975, the Council did reconsider, including the economic impact factor, and reached the same decision.

In the 174 comments on the proposal, the most frequent comment from the meat and poultry industries involved the requirement that changes in work schedules be submitted and approved at least 2 weeks in advance. Industry spokesmen stated that it would be impossible to schedule hours of operations on an inflexible basis, because of the unpredictability of livestock supplies, demand for meat and poultry and other factors. It is the Department's intention that changes in work schedules be submitted at least 2 weeks in advance, only when a shift is to be changed, added, or eliminated, or when there is a deviation from the approved starting time of more than one hour in slaughter plants. Two weeks' advance notice is not required for scheduling overtime or holiday work, or making minor adjustments in the day-to-day operating schedule. The final regulations have been adjusted to clarify this point.

Some segments of the meat and poultry industries objected to the authority of the Administrator to designate operating periods for establishments with limited operations. Such authority is necessary to make the most efficient use of available inspection personnel, and thus keep the cost of providing inspection within reasonable bounds. This has been a long-standing policy in the meat inspection program, and is so expressed in the existing meat inspection regulations.

A few objections were raised to limiting post-mortem inspection duty to 10 clock hours per shift. Such limitation is necessary to minimize the fatigue factor inherent in this exacting work and lessen

the loss of efficiency of inspectors. There were also some requests to delete the requirement that inspectors be off duty 12 consecutive clock hours between shifts. Again, this requirement was kept, because of the hazard of lessening inspection efficiency due to fatigue. This is also in line with existing departmental policy.

The definition of a shift has been changed from "all or a substantial part of an 8-hour period" to "regularly scheduled operating period" for greater legal specificity. Similarly, the "designated program official" who may approve a work schedule has been changed to "area supervisor." The workweek has been omitted from the items the establishment schedule must specify, because it is now specified by the regulations. The segment of the day in which shifts may slaughter is also specified. This negotiated matter is in accord with longstanding Program policy. The cost per employee for overtime service has been changed from the proposal to \$11.00 to reflect recent rises in the overtime rate as already reflected in the regulations. The change to the poultry industry for export certificates issued during normal duty hours has been dropped to make the costs of inspection more similar to that for meat inspection.

After consideration of these and other comments, the regulations are being issued with the previously mentioned changes. Certain editorial changes have been made to clarify intent where the language appeared to be subject to misinterpretation. Minor codification changes are also made in the affected sections of Part 381 to permit better use of the reserved sections in the future.

Therefore, Part 307 of the meat inspection regulations and Part 381, Subpart G, of the poultry products inspection regulations are amended as set forth below.

1. The Table of Contents is amended to reflect the following changes, and the headings and texts of §§ 307.4, 307.5, and 307.6 are revised to read as follows:

§ 307.4 Schedule of operations.

(a) No operations requiring inspection shall be conducted except under the supervision of a Program employee. All slaughtering of animals and preparation of products shall be done with reasonable speed, considering the official establishment's facilities.

(b) A shift is a regularly scheduled operating period, exclusive of mealtime. One lunch period is the only official authorized interruption in the inspector's tour of duty once it begins. Lunch periods may be 30 minutes, 45 minutes, or in any case may not exceed one hour in duration. Once established, the lunch period must remain relatively constant as to time and duration. Lunch periods for inspectors shall not, except as provided herein, occur prior to 4 hours after the beginning of scheduled operations nor later than 5 hours after operations begin. In plants where a company rest break of not less than 30 minutes is regularly observed, approximately midpoint between start of work and the lunch period, and

the inspector is allowed this time to meet his personal needs, the lunch period may be scheduled as long as 5½ hours after the beginning of scheduled operations.

(c) Official establishments, importers, and exporters shall be provided inspection service, without charge, up to 8 consecutive hours per shift during the basic workweek subject to the provisions of § 307.5: *Provided*, That any additional shifts meet requirements as determined by the Administrator or his designee. The basic workweek shall consist of five consecutive 8-hour days Monday through Friday, excluding the lunch period; except those plants presently operating on an approved Tuesday through Saturday schedule shall continue on this schedule until such time as a change in ownership occurs, or they request and are granted a Monday through Friday work schedule; and further, except in the designation of State programs, the Department may depart from the Monday to Friday workweek in those cases where it would seriously handicap the Department in carrying out its function.

(d) (1) Each official establishment shall submit a work schedule to the area supervisor for approval. In consideration of whether the approval of an establishment work schedule shall be given, the area supervisor shall take into account the efficient and effective use of inspection personnel. The work schedule must specify daily clock hours of operation and lunch periods for all departments of the establishment requiring inspection.

(2) For single-shift slaughter plants, the plant operating schedules shall not begin earlier than 4 a.m. nor terminate later than 6 p.m. Any deviation from the approved starting time in excess of one hour shall be in the form of an application for a revised schedule, submitted at least 2 weeks in advance of the beginning of the affected pay period. Deviations not exceeding one hour may be approved by the inspector in charge, with written notice to the designated local representatives of the Federal inspectors. Frequent deviations from the normal starting time shall not be approved.

(3) For multiple-shift slaughter plants, the plant operating schedule for the first shift shall conform to the requirements for a single-shift plant. Second shifts shall follow first shifts, with no more than a 3-hour break. However, in no case shall the second shift start after 6 p.m. Assignments of Program employees from one plant to another involving a change from a night shift to a day or single shift, or vice versa, for relief purposes shall be effected only in emergencies, and then only with the approval of the Regional Director or one acting in that capacity.

(4) Establishments shall maintain consistent work schedules. Any request by an establishment for a change in its work schedule involving an addition or elimination of shifts shall be submitted to the area supervisor at least 2 weeks in advance of the proposed change. Frequent requests for change shall not be approved: *Provided*, however, minor de-

violations from a daily operating schedule may be approved by the inspector in charge, if such request is received on the day preceding the day of change.

(5) Requests for inspection service outside an approved work schedule shall be made as early in the day as possible for overtime work to be performed within that same workday; or made prior to the end of the day's operation when such a request will result in overtime service at the start of the following day: *Provided*, That an inspector may be recalled to his assignment after completion of his daily tour of duty under the provisions of § 307.6(b).

(e) Ante-mortem and post-mortem inspectors shall be limited to 10 hours post-mortem inspection duty per shift, including company breaks and short emergencies, usually of less than one-half hour duration, where the employee remains on or near their duty stations. The ten hours do not include meal times or long emergencies, usually greater than one-half hour, where the inspectors are released from their duty stations. In addition, all Program inspectors, including ante-mortem and post-mortem inspectors, shall be limited to 12 clock hours total duty per shift, including mealtime, "housebreaks," and emergencies. Program employees shall be off duty 12 consecutive clock hours between shifts.

(f) When one Program employee is assigned to conduct inspection at an establishment where few livestock are slaughtered, or a small quantity of product is processed or certified (as determined by the Administrator), the Administrator may designate the hours of the day and the days of the week during which those operations requiring inspection may be conducted.

§ 307.5 Overtime and holiday inspection service.

(a) The management of an official establishment, an importer, or an exporter shall pay the Animal and Plant Health Inspection Service \$11.00 per hour per Program employee to reimburse the Program for the cost of the inspection service furnished for time outside the scheduled tour of duty; on days outside the basic workweek; or on any holiday specified in paragraph (b) of this section.

(b) Holidays for Federal employees shall be New Year's Day, January 1; Washington's Birthday, the third Monday in February; Memorial Day, the last Monday in May; Independence Day, July 4; Labor Day, the first Monday in September; Columbus Day, the second Monday in October; Veterans' Day, the fourth Monday in October; Thanksgiving Day, the fourth Thursday in November; Christmas Day, December 25. When any of the above-listed holidays falls outside the basic workweek, the nearest workday within that week shall become a holiday.

§ 307.6 Basis of billing for overtime and holiday services.

(a) Each recipient of overtime or holiday inspection service, or both, shall be billed, at the rate established in § 307.5

(a), in increments of quarter hours. For billing purposes, 8 or more minutes shall be considered a full quarter hour. Billing will be for each quarter hour service rendered by each Program employee.

(b) Official establishments, importers, or exporters requesting and receiving the services of a Program employee after he has completed his day's assignment and left the premises, or called back to duty during any overtime or holiday period, shall be billed for a minimum of 2 hours overtime or holiday inspection service at the established rate.

(c) Bills are payable upon receipt and become delinquent 30 days from the date of the bill. Overtime or holiday inspection will not be performed for anyone having a delinquent account.

2. The provisions of §§ 381.40, 381.41, and 381.42 are revoked, and the sections are reserved. The Table of Contents is amended to reflect the following change, and the headings and texts of §§ 381.37, 381.38, and 381.39 are revised to read as follows:

§ 381.37 Schedule of operations.

(a) No operations requiring inspection shall be conducted except under the supervision of an Inspection Service employee. All eviscerating of poultry and further processing shall be done with reasonable speed, considering the official establishment's facilities.

(b) A shift is a regularly scheduled operating period, exclusive of mealtime. One lunch period is the only official authorized interruption in the inspector's tour of duty once it begins. Lunch periods may be 30 minutes, 45 minutes, or in any case may not exceed one hour in duration. Once established, the lunch period must remain relatively constant as to time and duration. Lunch periods for inspectors shall not, except as provided herein, occur prior to 4 hours after the beginning of scheduled operations nor later than 5 hours after operations begin. In plants where a company rest break of not less than 30 minutes is regularly observed, approximately midpoint between start of work and the lunch period, and the inspector is allowed this time to meet his personal needs, the lunch period may be scheduled as long as 5½ hours after the beginning of scheduled operations.

(c) Official establishments, importers, and exporters shall be provided inspection service, without charge, up to 8 consecutive hours per shift during the basic workweek subject to the provisions of § 381.38: *Provided*, That any additional shifts meet requirements as determined by the Administrator or his designee. The basic workweek shall consist of five consecutive 8-hour days Monday through Friday, excluding the lunch period; except those plants presently operating on an approved Tuesday through Saturday schedule shall continue on this schedule until such time as a change in ownership occurs, or they request and are granted a Monday through Friday work schedule; and further, except in the designation of State programs, the Department may depart from the Monday to Friday workweek in those cases where it

would seriously handicap the Department in carrying out its function.

(d) (1) Each official establishment shall submit a work schedule to the area supervisor for approval. In consideration of whether the approval of an establishment work schedule shall be given, the area supervisor shall take in account the efficient and effective use of inspection personnel. The work schedule must specify the workweek, daily clock hours of operation, and lunch periods for all departments of the establishment requiring inspection.

(2) For single-shift slaughter plants, the plant operating schedules shall not begin earlier than 4 a.m. nor terminate later than 6 p.m. Any deviation from the approved starting time in excess of one hour shall be in the form of an application for a revised schedule, submitted at least 2 weeks in advance of the beginning of the affected pay period. Deviations not exceeding one hour may be approved by the inspector in charge, with written notice to the designated local representative of the Federal inspectors. Frequent deviations from the normal starting time shall not be approved.

(3) For multiple-shift slaughter plants, the plant operating schedule for the first shift shall conform to the requirements for a single-shift plant. Second shifts shall follow first shifts, with no more than a 3-hour break. However, in no case shall the second shift start after 6 p.m. Assignments of Inspection Service employees from one plant to another involving a change from a night shift to a day or single shift, or vice versa, for relief purposes shall be effected only in emergencies, and then only with the approval of the Regional Director or one acting in that capacity.

(4) Establishments shall maintain consistent work schedules. Any request by an establishment for a change in its work schedule involving changes in the workweek or an addition or elimination of shifts shall be submitted to the area supervisor at least 2 weeks in advance of the proposed change. Frequent requests for change shall not be approved: *Provided*, however, minor deviations from a daily operating schedule may be approved by the inspector in charge if such request is received on the day preceding the day of change.

(5) Requests for inspection service outside an approved work schedule shall be made as early in the day as possible for overtime work to be performed within that same workday; or made prior to the end of the day's operation when such a request will result in overtime service at the start of the following day: *Provided*, That an inspector may be recalled to his assignment after the completion of his daily tour of duty under the provisions of § 381.39(b).

(e) Ante-mortem and post-mortem inspectors shall be limited to 10 hours post-mortem inspection duty per shift, including company breaks and short emergencies, usually of less than one-half hour duration, where the employee remains on or near their duty stations. The 10 hours do not include meal times

or long emergencies, usually greater than one-half hour, where employees are released from their duty stations. In addition, all Inspection Service inspectors, including ante-mortem and post-mortem inspectors shall be limited to 12 clock hours total duty per shift, including mealtime, "housebreaks," and emergencies. Inspection Service employees shall be off duty 12 consecutive clock hours between shifts.

(f) When one Inspection Service employee is assigned to conduct inspection at an establishment where few poultry are eviscerated or a small quantity of product is further processed or certified (as determined by the Administrator), the Administrator may designate the hours of the day and the days of the week during which those operations requiring inspection may be conducted.

§ 381.38 Overtime and holiday inspection service.

(a) The management of an official establishment, an importer, or an exporter shall pay the Animal and Plant Health Inspection Service \$11.00 per hour per Inspection Service employee to reimburse the Inspection Service for the cost of the inspection service furnished for time outside the schedule tour of duty; on any day outside the basic workweek; or on any holiday specified in paragraph (b) of this section.

(b) Holidays for Federal employees shall be New Year's Day, January 1; Washington's Birthday, the third Monday in February; Memorial Day, the last Monday in May; Independence Day, July 4; Labor Day, the first Monday in September; Columbus Day, the second Monday in October; Veterans' Day, the fourth Monday in October; Thanksgiving Day, the fourth Thursday in November; Christmas Day, December 25. When any of the above-listed holidays falls outside the basic workweek, the nearest workday within that week shall be the holiday.

§ 381.39 Basis of billing for overtime and holiday services.

(a) Each recipient of overtime or holiday inspection service, or both, shall be billed at the rate established in § 381.38(a), in increments of quarter hours. For billing purposes, 8 or more minutes shall be considered a full quarter hour. Billing will be for each quarter hour service rendered by each Inspection Service employee.

(b) Official establishments, importers, or exporters requesting and receiving the services of an Inspection Service employee after he has completed his day's assignment and left the premises, or called back to duty during any overtime or holiday period, shall be billed for a minimum of 2 hours overtime or holiday inspection service at the established rate.

(c) Bills are payable upon receipt and become delinquent 30 days from the date of the bill. Overtime or holiday inspection will not be performed for anyone having a delinquent account.

§ 381.40 [Reserved]

§ 381.41 [Reserved]

§ 381.42 [Reserved]

(Sec. 21, 34 Stat. 1260, as amended, 21 U.S.C. 621; Sec. 14, 71 Stat. 441, as amended, 21 U.S.C. 463; 37 FR 28464-28477)

The amendments differs in some respects from the notice of proposed rule-making. The differences are as a result of comments received or administrative decisions by the Department relating to those officials having responsibility for administering various provisions of the amendments. It does not appear that further public participation in this proceeding would make additional information available to the Department which would warrant alteration of these amendments. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure concerning the amendments are impracticable and unnecessary.

The foregoing amendments shall become effective November 3, 1975.

Done at Washington, D.C., on: September 29, 1975.

F. J. MULHERN,
Administrator, Animal and Plant
Health Inspection Service.

[FR Doc. 75-28475 Filed 10-2-75; 8:45 am]

**CHAPTER III—ANIMAL AND PLANT
HEALTH INSPECTION SERVICE (MEAT
AND POULTRY PRODUCTS INSPEC-
TION), DEPARTMENT OF AGRICUL-
TURE**

**PART 331—SPECIAL PROVISIONS FOR
DESIGNATED STATES AND TERRI-
TORIES; AND FOR DESIGNATION OF
ESTABLISHMENTS WHICH ENDANGER
PUBLIC HEALTH AND FOR SUCH DES-
IGNATED ESTABLISHMENTS**

**PART 381—POULTRY PRODUCTS
INSPECTION REGULATIONS**

Designation of the State of Tennessee
Under the Federal Meat Inspection Act
and the Poultry Products Inspection Act
for Special Purposes

• Purpose: The purpose of this document is to notify the public that the Secretary of Agriculture hereby designates the State of Tennessee under section 205 of the Federal Meat Inspection Act and section 11(e) of the Poultry Products Inspection Act. •

Statement of Considerations: Sections 202 and 203 of the Federal Meat Inspection Act (21 U.S.C. 642 and 643) provide for recordkeeping, access, and related requirements, with respect to operators engaged in specified classes of business in or for "commerce" as defined in the Act. Similar provisions with respect to poultry and poultry products are contained in section 11 (b) and (c) of the Poultry Products Inspection Act (21 U.S.C. 460 (b), (c)). Section 205 of the Federal Meat Inspection Act and section 11(e) of the Poultry Products Inspection Act (21 U.S.C. 645, 460(e)) authorize the Secretary of Agriculture to exercise the authorities under the aforesaid sections with respect to persons, firms, and corporations engaged in specified kinds of

business but not in or for "commerce" in any State or organized Territory when he determines, after consultation with an appropriate advisory committee, that the State or Territory does not have at least equal authority under its laws or is not exercising such authority in a manner to effectuate the purposes of the Acts.

Officials of the State of Tennessee have advised this Department that effective October 1, 1975, the State of Tennessee will no longer be in a position to continue administering authorities under the aforesaid sections with respect to persons, firms, and corporations engaged in the specified kinds of business but not in or for "commerce."

The Secretary heretofore determined that the State of Tennessee had developed and activated requirements at least equal to the requirements under sections 202 and 203 of the Federal Meat Inspection Act, and section 11 (b) and (c) of the Poultry Products Inspection Act. However, such sections contemplate continuous ongoing programs, and in view of the termination date now applicable to the Tennessee programs, the Secretary, after consultation with the appropriate advisory committee, has now determined that Tennessee is not exercising, in a manner to effectuate the purposes of said Acts, with respect to intrastate businesses, authorities at least equal to those under sections 202 and 203 of the Federal Meat Inspection Act and section 11 (b) and (c) of the Poultry Products Inspection Act, including the Secretary or his representatives being afforded access to such places of business and the facilities, inventories, and records thereof. Therefore, Tennessee is hereby designated under section 205 of the Federal Meat Inspection Act and section 11(e) of the Poultry Products Inspection Act for the exercise of the specified authorities with respect to intrastate businesses, and hereafter sections 202 and 203 of the Federal Meat Inspection Act and section 11 (b) and (c) of the Poultry Products Inspection Act shall apply as hereinafter provided, to persons, firms, and corporations engaged in the kinds of business specified in said sections, but not in or for commerce, to the same extent and in the same manner as if they were engaged in such business in or for commerce and the transactions involved were in commerce.

Accordingly, the table in § 331.6 of the meat inspection regulations (9 CFR 331.6) is amended as follows:

1. In the "State" column, Tennessee is added in alphabetical order to the list of States in which the provisions of sections 202 and 203 of the Federal Meat Inspection Act and related regulations are applicable.

2. In the "Effective date of designation" column, "October 1, 1975" is added on the line with Tennessee in both places.

(Secs. 21 and 205, 34 Stat. 1260, as amended, 81 Stat. 584, 21 U.S.C. 621, 645; 37 FR 28464, 28477)

Further, the table in § 381.224 of the poultry products inspection regulations (9 CFR 381.224) is amended as follows:

1. "Tennessee" is added in alphabetical order to the list of States in which the provisions of section 11 (b) and (c) of the Poultry Products Inspection Act and related regulations are applicable.

2. In the "Effective date" column, "October 1, 1975" is added on the line with Tennessee in both places.

(Secs. 11(e) and 14, 71 Stat. 441, as amended, 82 Stat. 791, 21 U.S.C. 460(e), 463; 37 F.R. 28464, 28477)

These amendments of the regulations are necessary to reflect the determinations of the Secretary of Agriculture under section 205 of the Federal Meat Inspection Act and section 11(e) of the Poultry Products Inspection Act, and to effectuate the purposes of the Acts by affording representatives of the Secretary of Agriculture access to places of business engaged in intrastate activities and otherwise facilitate the enforcement of the Acts. It does not appear that public participation in this rule making proceeding would make additional relevant information available to the Secretary. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that such public procedure is impracticable and unnecessary and good cause is found for making these amendments effective less than 30 days after publication in the **FEDERAL REGISTER**.

These amendments and the notice given hereby shall become effective October 1, 1975.

Done at Washington, D.C., on: September 30, 1975.

HARRY C. MUSSMAN,
Acting Administrator Animal
and Plant Health Inspection
Service.

[FR Doc.75-26728 Filed 10-2-75; 8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75-NW-29-AD; Amendment 39-2376]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 707/720/737 Series Airplanes

Amendment 39-1986 AD 74-21-03 requires threshold inspection and lavatory rework on Boeing Model 707/720/727/737/747 series airplanes. After issuing Amendment 39-1986, due to lack of parts availability, the agency determined that partial relief, consistent with safety, may be provided the operators by extending the compliance time to accomplish lavatory rework for the Boeing Model 707/720/737 airplanes. Therefore, the AD is being amended to require accomplishment of lavatory rework prescribed in paragraph B for the Boeing Model 707/720/737 airplanes by June 30, 1976.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of the Federal Aviation Regulations, Amendment 39-1986 AD 74-21-03 is amended as follows:

By striking out Models 707/720/737 and related service bulletin numbers from paragraph B and inserting new paragraph C to read as follows:

C. By June 30, 1976, unless already accomplished, accomplish lavatory rework in accordance with the following Boeing Service Bulletins, as applicable, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region:

Model:	Service bulletin No.
707/720---	1270, 1363, 1365, 3146.
737-----	737-25-1096 or 737-25-1108.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. The documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective November 10, 1975.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

The incorporation by reference provisions in the document were approved by the Director of the **FEDERAL REGISTER** on June 19, 1967.

Issued in Seattle, Washington, September 26, 1975.

C. B. WALK, JR.,
Director, Northwest Region.

[FR Doc.75-26431 Filed 10-2-75; 8:45 am]

[Docket No. 14876; Amdt. 39-2379]

PART 39—AIRWORTHINESS DIRECTIVES LET N. P. Blanik 13 Gliders

Amendment 39-2333 (40 FR 33007), AD 75-17-28, requires repetitive inspection, repair, and replacement of the fin top rib on certain LET N. P. Blanik 13 gliders identified by serial numbers. After issuing Amendment 39-2333, the FAA determined that the applicability paragraph should be revised to include only gliders with six digit serial numbers beginning with "17". The AD is not applicable to gliders with serial numbers beginning with "02". Therefore, the AD is being amended to make clear that it applies only to LET Blanik 13 gliders whose serial numbers begin with the digits "17".

Since this amendment provides a clarification only and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

This amendment is made under the authority of sections 313(a), 601, and 603, of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR § 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-2333 (40 FR 33007), AD 75-17-28, is amended by revising the applicability paragraph to read as follows:

LET N.P. Applies to Blanik 13 gliders, certificated in all categories, with 6 digit serial numbers beginning with the digits "17".

This amendment becomes effective October 13, 1975.

Issued in Washington, D.C. on September 26, 1975.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.75-26433 Filed 10-2-75; 8:45 am]

[Docket No. 15030; Amdt. 39-2378]

PART 39—AIRWORTHINESS DIRECTIVES SIAI Marchetti F. 260 Series Airplanes

There have been failures of the landing gear retraction relays on SIAI Marchetti F. 260 and 260B airplanes that could result in permanent excitation of the landing gear actuator motor resulting in the inability to extend the landing gear by the normal procedure. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require replacement of the landing gear actuator relay with an improved relay and to add a landing gear circuit breaker on the SIAI Marchetti F. 260 and F. 260B airplanes.

Since this situation requires immediate adoption of this regulation, notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR § 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

SIAI MARCHETTI. Applies to Models F. 260 and 260B airplanes, Serial Numbers 101 thru 125, 2-26 thru 2-56, 3-76, 3-77, 3-80, and 502, except Serial Numbers 112, 2-33, 2-37, 2-43, 2-47, 2-53, and 2-54, certificated in all categories.

Compliance is required within the next 10 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent failure of the landing gear actuator relay and subsequent inability to extend the landing gear by normal electrical

means, replace the landing gear actuator relay, P/N 3311-2(10A), with new relay, P/N MS24166-D1(50A), and add a circuit breaker, P/N MS 3320-10, in accordance with the accomplishment instructions of SIAI-Marchetti Service Bulletin, S.B. No. 260B5B, dated December 22, 1973, or an FAA-approved equivalent.

This amendment becomes effective October 13, 1975.

Issued in Washington, D.C. on September 26, 1975.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.75-26432 Filed 10-2-75;8:45 am]

[Airspace Docket No. 75-WA-4]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airways

On May 12, 1975, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (40 FR 20640) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would revoke several airways and realign several airways in the Kansas City, Mo., area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. The Air Transport Association of America (ATA) requested that the proposed revocation of V-22 between Kansas City, Mo., and Ottumwa, Iowa, be removed from the docket, because Ozark Airlines operates four trips daily on this airway segment. Effective April 24, 1975, the Missouri Transition Area was designated as published in the FEDERAL REGISTER (40 FR 10172). The Missouri and Iowa Transition Areas provide controlled airspace for flights above 1200 feet AGL within these states. Direct flights between Kansas City and Ottumwa would continue to operate within controlled airspace with no reduction in air traffic service. Revocation of this segment of V-22 would provide the necessary airspace for aeronautical activity that is not permitted in airways. For these reasons the segment of V-22 is revoked as proposed. No other comments were received.

Subsequent to publication of the NPRM it has been determined that the realignment of V-4 as proposed in paragraph II, item 12 would increase air traffic in an undesirable location and is therefore withdrawn.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, December 4, 1975, as hereinafter set forth.

Section 71.123 (40 FR 307, 4300, 17549, 25204; 39 FR 38637, 39261, 41838) is amended as follows:

a. In V-4 all between "Hays, Kans.;" and "Troy, Ill.;" is deleted and "Topeka, Kans.;" including a N alternate from the INT of Salina 080° and Manhattan, Kans., 213° radials to Topeka via Manhattan and the

INT of Manhattan 078° and Topeka 293° radials; Kansas City, Mo., including a S alternate via INT Topeka 099° and Kansas City 231° radials; Hallsville, Mo.; St. Louis, Mo.;" is substituted therefor.

b. In V-9 "St. Louis, Mo., including a W alternate;" is deleted and "St. Louis, Mo.;" is substituted therefor.

c. In V-10 all between "Emporia, Kans.;" and "Burlington, Iowa.;" is deleted and "Blue Springs, Mo., including a N alternate via INT Emporia 050° and Topeka, Kans., 099° radials; Kirksville, Mo., including a N alternate via INT Blue Springs 016° and Kansas City, Mo., 060° radials;" is substituted therefor.

d. In V-12 all between "Anthony, Kans.;" and "Columbia, Mo.;" is deleted and "Wichita, Kans.; Emporia, Kans.; Blue Springs, Mo.;" is substituted therefor.

e. In V-13 all between "Butler, Mo.;" and "Des Moines, Iowa.;" is deleted and "Blue Springs, Mo.; INT Blue Springs 347° and St. Joseph, Mo. 132° radials; Lamoni, Iowa.;" is substituted therefor.

f. In V-14 all between "Vichy, Mo.;" and "Terre Haute, Ind.;" is deleted and "including a N alternate; St. Louis, Mo., including a N alternate; Vandalia, Ill.;" is substituted therefor.

g. In V-15 "From Kansas City, Mo., St. Joseph, Mo.;" is deleted and "From St. Joseph, Mo., via" is substituted therefor.

h. V-22 is deleted.

i. In V-50 "From Pawnee City, Nebr.; St. Joseph, Mo.; Kirksville, Mo.;" is deleted and "From Pawnee City, Nebr., via St. Joseph, Mo.; including a S alternate from Pawnee City to St. Joseph via INT Pawnee City 122° and Kansas City, Mo., 310° radials, and INT Kansas City 310° and St. Joseph 178° radials; Kirksville, Mo.;" is substituted therefor.

j. In V-65 "From INT Kansas City, Mo., 231°" is deleted and "From the INT Kansas City, Mo., 310°" is substituted therefor.

k. In V-69 "INT Farmington 351° and Troy, Ill., 233° radials; Troy.;" is deleted and "Troy, Ill.;" is substituted therefor.

l. In V-71 "Kansas City, Mo.; INT Kansas City 310° and Pawnee City, Nebr., 122° radials; Pawnee City.;" is deleted and "Topeka, Kans.; Pawnee City, Nebr.;" is substituted therefor.

m. In V-74 "INT Anthony 091° and Pioneer 327° radials;" is deleted and "INT Anthony 097° and Pioneer 334° radials;" is substituted therefor.

n. In V-77 "INT Pioneer 327° and Wichita KS., 225° radials; Wichita.;" is deleted and "Wichita, Kans.;" is substituted therefor.

o. In V-116 "From Kansas City, Mo., 076° and Blue Springs 016° radials, via" is substituted therefor.

p. V-125 is deleted.

q. In V-159 "Kansas City, Mo.; St. Joseph, Mo.;" is deleted and "INT Blue Springs 347° and St. Joseph, Mo., 132° radials; St. Joseph.;" is substituted therefor.

r. V-206 is amended to read as follows. "From Blue Springs, Mo., via Kirksville, Mo.; to Ottumwa, Iowa."

s. V-256 is added to read as follows. "From Pioneer, Okla., to Hutchinson, Kans."

t. V-261 is added to read as follows. "From Wichita, Kans., via INT Wichita 022° and Manhattan, Kans., 213° radials; to Manhattan."

u. In V-280 "Topeka; INT Topeka 064° and Kansas City, Mo., 274° radials; Kansas City.;" is deleted and "to Topeka.;" is substituted therefor.

v. In V-289 all after "Fort Smith, Ark.;" is deleted and "Harrison, Ark.; Dogwood, Mo.; Forney, Mo.; INT 046° and Vichy, Mo., 216° radials; to Vichy.;" is substituted therefor.

w. In V-307 "From Chanute, Kans., Emporia, Kans.;" is deleted and "From Neosho, Mo., via Oswego, Kans.; Chanute, Kans.; Emporia, Kans.;" is substituted therefor.

x. V-424 is amended to read as follows. "From Blue Springs, Mo., to Macon, Mo."

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on September 26, 1975.

WILLIAM E. BROADWATER,
Chief, Airspace and Air
Traffic Rules Division.

[FR Doc.75-26434 Filed 10-2-75;8:45 am]

[Airspace Docket No. 75-GL-50]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airways

On August 7, 1975, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (40 FR 33224) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would realign and renumber airway segments between Dubuque, Iowa, and Nodine, Minn.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. The only comment received was from the Air Transport Association of America who expressed no objection.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 4, 1975, as hereinafter set forth.

Section 71.123 (40 FR 307, 39 FR 41518) is amended as follows:

In V-129 "Waukon, Iowa; Nodine, Minn.;" is deleted and "INT Dubuque, 348° and Nodine, Minn., 150° radials; Nodine, including a W alternate from Dubuque to Nodine via Waukon, Iowa.;" is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on September 26, 1975.

WILLIAM E. BROADWATER,
Chief, Airspace and Air
Traffic Rules Division.

[FR Doc.75-26436 Filed 10-2-75;8:45 am]

[Airspace Docket No. 75-GL-39]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Correction of Transition Area Description

On Page 33435 of the FEDERAL REGISTER dated August 8, 1975, the Federal Aviation Regulations so as to alter the transition Administration published a rule which amended § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Warsaw, Indiana. At the time the rule was published, it was intended to make a change to correct the 259° bearing to a 359° bearing.

In preparing the rule for publication, the correction was printed but the description of the altered transition area was not printed.

Since this correction is clarifying in nature only and imposes no additional burden on the public, notice and public procedure hereon are unnecessary and it may become effective immediately.

Accordingly, FR Doc. 75-20517 on Page 33435 of the FEDERAL REGISTER dated August 8, 1975, is changed to read as follows:

ALTERATION OF TRANSITION AREA

On Page 25028 of the FEDERAL REGISTER dated June 12, 1975, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Warsaw, Indiana.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following change:

Line 5 of the Warsaw, Indiana, transition area description recited as "within 3½ miles each side of the 259° bearing" is changed to read "within 3½ miles each side of the 359° bearing".

In § 71.181 (40 FR 441), the Warsaw, Indiana, transition area is amended as follows:

WARSAW, INDIANA

That airspace extending upward from 700' above the surface within a 7-mile radius of the Warsaw Municipal Airport (Latitude 41°16'39" N., Longitude 85°59'48" W.); and within 3½ miles each side of the 359° bearing from the airport extending from the 7-mile radius area to 12½ miles north of the airport, excluding the airspace that overlies the Nappanee, Indiana and Goshen, Indiana transition area.

This amendment shall be effective 0901 G.m.t. October 15, 1975.

This change is effective on October 3, 1975.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)), and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Illinois, on September 19, 1975.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

[FR Doc. 75-26437 Filed 10-2-75; 8:45 am]

[Airspace Docket No. 75-SW-52]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate a 700-foot point-in-space transition area at latitude 29°15'53.2" N., longitude 94°08'46.9" W.

On August 8, 1975, a notice of proposed rule making was published in the FEDERAL REGISTER (40 FR 33462) stating the Federal Aviation Administration proposed to designate the point-in-space transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 4, 1975, as hereinafter set forth.

In § 71.181 (40 FR 441), the following transition area is added:

SABINE PASS, TEX. (OFFSHORE)

That airspace extending upward from 700 feet above the surface within a 5-mile radius of coordinates latitude 29°15'53.2" N., longitude 94°08'46.9" W.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Fort Worth, Tex., on September 18, 1975.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc. 75-26438 Filed 10-2-75; 8:45 am]

[Airspace Docket No. 75-WE-7]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Extension of VOR Federal Airway

On August 18, 1975, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (40 FR 34607) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would extend V-230 from Friant, Calif., to Bishop, Calif.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 4, 1975, as hereinafter set forth.

Section 71.123 (40 FR 307) is amended as follows:

In V-230 "Friant, Calif." is deleted and "Friant, Calif.; INT Friant 040° and Bishop, Calif. 338° radials; to Bishop." is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on September 26, 1975.

WILLIAM E. BROADWATER,
Chief, Airspace and Air
Traffic Rules Division.

[FR Doc. 75-26435 Filed 10-2-75; 8:45 am]

[Airspace Docket No. 74-NW-27]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Redesignation of Federal Airway Segments

On February 12, 1975, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (40 FR 6510) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would extend several airways in the area of central Idaho.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 4, 1975, as hereinafter set forth.

Section 71.123 (40 FR 307) is amended as follows:

1. In V-113 "to Boise, Idaho." is deleted and "Boise, Idaho; Salmon, Idaho; to Butte, Mont." is substituted therefor.

2. In V-121 "to McCall, Idaho." is deleted and "McCall, Idaho; Salmon, Idaho; to Dillon, Mont." is substituted therefor.

3. V-231 is amended to read as follows: "V-231 From Burley, Idaho, via Salmon, Idaho; Missoula, Mont.; to Kalispell, Mont."

4. In V-338 "From Dubois, Idaho, Jackson, Wyo." is deleted and "From Jackson, Wyo., via" is substituted therefor.

5. In V-520 "to Lewiston, Idaho." is deleted and "Lewiston, Idaho; Salmon, Idaho; to Jackson, Wyo." is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on September 29, 1975.

EDWARD J. MALO,
Acting Chief, Airspace and
Air Traffic Rules Division.

[FR Doc. 75-26439 Filed 10-2-75; 8:45 am]

[Airspace Docket No. 75-SO-123]

PART 73—SPECIAL USE AIRSPACE

Revocation of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to revoke Restricted Area R-7101 Culebra Island, Puerto Rico.

Revocation of R-7101 was requested by the Department of the Navy because the restricted area is no longer required.

Since this amendment makes available for public use airspace from which the public was previously restricted, thereby relieving a restriction upon the public, it is a minor matter in which the public would have no particular interest and notice and public procedure thereon is unnecessary. Moreover, since it relieves a restriction, it may become effective immediately.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is

amended, effective upon publication in the Federal Register as hereinafter set forth.

In § 73.71 (40 FR 701, 27440) R-7101 Culebra Island, Puerto Rico, is revoked.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1656(c))

Issued in Washington, D.C., on September 26, 1975.

WILLIAM E. BROADWATER,
Chief, Airspace and Air
Traffic Rules Division.

[FR Doc. 75-26440 Filed 10-2-75; 8:45 am]

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Regulations No. 4]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

Retirement Test Monthly Exempt Amount and Contribution and Benefit Base for Years After 1974

Correction

In FR Doc. 75-24690 appearing at page 42863 of the issue for Wednesday, September 17, 1975:

1. In § 404.430, page 42864, that portion of paragraph (c) up to and including the introductory language of (c) (1) (i) (a) should read as follows:

(c) Method of determining monthly exempt amount for taxable years ending after December 1974. (1) For purposes of paragraph (a) (3) of this section, the applicable monthly exempt amount effective for an individual's taxable year that ends in the calendar year after the calendar year in which an automatic cost-of-living increase in old-age survivors, and disability insurance benefits is effective, is the larger of:

(i) The exempt amount in effect for months in the taxable year in which the exempt amount determination is being made; or

(ii) The amount determined by:

(a) multiplying the monthly exempt amount effective during the taxable year in which the exempt amount determination is being made by the ratio of:

2. In the eighth line of § 404.430(c) (1) (i) (a) (2), the text designated (B)

should begin a new paragraph and should be designated (b).

3. In § 404.1068(b) (1) (i), subdivisions (A) through (I) should be redesignated (a) through (i).

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

Amendment

Chapter I of title 23 of the Code of Federal Regulations is amended as follows:

Wherever the title "Division Engineer" appears in title 23, Chapter I, it is changed to read "Division Administrator."

The Federal Highway Administration Order 1-1, Change 66, incorporated into Part II, Chapter 14, Federal Highway Administration Organization Manual on August 1, 1975, changed the title "Division Engineer" to "Division Administrator" to more accurately reflect the duties of the position.

This amendment is entirely administrative in nature. Therefore, the public rulemaking process is waived and this amendment is effective upon publication.

Authority: 23 U.S.C. 315; 49 CFR 1.48.

Effective date: October 3, 1975.

Issued on: September 26, 1975.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc. 75-28524 Filed 10-2-75; 8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FI-702]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

• Purpose: The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128). •

Insurance policies can be obtained from any licensed property insurance

agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 39 FR 26186-93). A list of servicing companies is also available from the Federal Insurance Administration (FIA), HUD, 451 Seventh Street, SW., Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. § 551. The entry reads as follows:

§ 1914.4 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Arizona	Yavapai	Clarkdale, town of	Sept. 23, 1975, emergency	Aug. 23, 1974		
Illinois	Vermilion	Potomac, village of	do	Mar. 23, 1974		
Indiana	Noble	Ligonier, city of	do			
Michigan	Oakland	Wolverine Lake, village of	do	Apr. 11, 1975		
Missouri	Ripley	Doddsport, city of	do	Mar. 1, 1974		
Do	McDonald	Southwest city, city of	do	Feb. 21, 1975		
New York	Saratoga	South Glens Falls, village of	do	Apr. 12, 1974		
North Carolina	Catawba	Hickory, city of	do	Sept. 13, 1974		
Ohio	Medina	Seville, village of	do	Mar. 15, 1974		
Texas	Comal	Garden Ridge, city of	do	Oct. 25, 1974		
Do	Henderson	Trinidad, city of	do	Oct. 18, 1974		
State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Iowa	Clayton	Osterdock, town of	Sept. 24, 1975, emergency			
New York	Otsego	Oneonta, town of	do	Dec. 20, 1974		

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Colorado	Gilpin	Black Hawk, city of	Sept. 25, 1973, emergency	Aug. 30, 1974		
Connecticut	Windham	Woodstock, town of	do	Sept. 20, 1974		
Indiana	Decatur and Shelby	Saint Paul, town of	do	Feb. 1, 1974		
Iowa	Harrison	Little Sioux, town of	do	Oct. 25, 1974		
Massachusetts	Berkshire	Hancock, town of	do	June 28, 1974		
Mississippi	De Soto	Hernando, city of	do			
New Jersey	Bergen	Edgewater, borough of	do	Aug. 2, 1974		
Do	Hunterdon	Flemington, borough of	do	Nov. 1, 1974		
New Mexico	Taos	Unincorporated areas	do	Aug. 30, 1974		
New York	Genesee	Darien, town of	do	Jan. 10, 1975		
North Carolina	Rutherford	Rutherford, town of	do	Mar. 1, 1974		
Ohio	Lake	Grand River, village of	do	Feb. 8, 1974		
Oregon	Wheeler	Unincorporated areas	do			
Pennsylvania	York	North Hopewell, township of	do	Dec. 30, 1974		
South Carolina	Charleston	Ravenel, town of	do	June 14, 1974		
South Dakota	Roberts	Corona, town of	do	Feb. 21, 1975		
Texas	Willacy	Lyford, city of	do	May 17, 1974		
West Virginia	Randolph	Beverly, town of	do	Nov. 22, 1974		
Do	Wayne	Ceredo, town of	do	Jan. 3, 1975		
Do	Jefferson	Harper's Ferry, town of	do			
Do	Randolph	Montrose, town of	do	Nov. 15, 1974		
Do	Harrison	West Milford, town of	do	Aug. 9, 1974		
Wisconsin	Monroe	Norwalk, village of	do	Aug. 30, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secre-

tary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: September 17, 1975.

[FR Doc. 75-26365 Filed 10-2-75; 8:45 am]

[Docket No. FI-701]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

• **Purpose:** The purpose of this notice is the identification of communities with areas of special flood or mudslide or erosion hazards in accordance with Part 1915 of Title 24 of the Code of Federal Regulations as authorized by the National Flood Insurance Program (42 U.S.C. 4001-4128). The identification of such areas is to provide guidance so that communities may adopt appropriate flood plain management measures to minimize damage caused by flood losses and to guide future construction, where practicable, away from locations which are threatened by flood hazards. •

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction

purposes in an identified flood plain area having special flood hazards that is located within any community participating in the National Flood Insurance Program.

One year after the identification of the community as flood prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction in these areas unless the community has entered the program. The prohibition, however, does not apply to loans by a Federally regulated, insured, supervised or approved bank prior to January 1, 1976, to finance the acquisition of a previously occupied residential dwelling.

The effective date of identification shall be November 3, 1975, or the date which appears in this notice, whichever is later.

This 30 day period does not supersede the statutory requirement that a community, whether or not participating in the program, be given the opportunity

for a period of six months to establish that it is not seriously flood prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. The six months period shall be considered to begin 30 days after the date of publication in the FEDERAL REGISTER or the effective date of the Flood Hazard Boundary Map, whichever is later. Similarly, the one year period a community has to enter the program under Section 201(d) of the Flood Disaster Protection Act of 1973 shall be considered to begin November 3, 1975, or the effective date of the Flood Hazard Boundary Map, whichever is later.

Where several dates appear in the column set forth below marked Effective Date of Identification, the first date is the date of initial identification, and all other dates represent modification by additions or deletions to identified areas with special hazards.

Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Arkansas	Desha	Dumas, city of	H 060067A 01	Division of Soil and Water Resources, State Department of Commerce, 1920 West Capitol Ave., Little Rock, Ark. 72201. Arkansas Insurance Department, 400 University Tower Bldg., Little Rock, Ark. 72204.	Mayor, City Hall, Dumas, Ark. 71629.	May 10, 1974. Sept. 26, 1975.
Do	Onachita	Bearden, city of	H 060162A 01	do	Mayor, Town Hall, Bearden, Ark. 71720.	June 7, 1974. Sept. 26, 1975.
California	Alameda	Piedmont, city of	H 060011A 01 through H 060011A 03	Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802. California Insurance Department, 600 South Commonwealth Ave., Los Angeles, Calif. 90005.	Assistant City Engineer, City Hall, Piedmont, Calif. 94611.	June 28, 1974. Sept. 26, 1975.
Do	Amador	Ione, city of	H 060016A 01 through H 060016A 02	do	Mayor, City Hall, P.O. Box 308, Ione, Calif. 95640.	May 24, 1974. Sept. 26, 1975.
Do	Los Angeles	Irwindale, city of	H 060129A 01 through H 060129A 06	do	Mayor, City of Irwindale, Irwindale, Calif. 91706.	June 28, 1975. Sept. 26, 1975.
Do	San Luis Obispo	Grover City, city of	H 060306A 01 through H 060306A 02	do	Assistant Planner, City Hall, 154 South 8th St., Grover City, Calif. 93433.	June 21, 1974. Sept. 26, 1975.
Do	Sonoma	Sebastopol, city of	H 060306A 01	do	City Manager, City Hall, 9120 Bodoga Ave., Sebastopol, Calif. 95472.	Mar. 8, 1974. Sept. 26, 1975.
Do	Stanislaus	Patterson, city of	H 060306A 01	do	City Manager, 344 West Las Palmas Ave., P.O. Box 667, Patterson, Calif. 95363.	May 3, 1974. Sept. 26, 1975.
Do	Tehama	Corning, city of	H 060308A 01	do	City Attorney, 1207 Solano St., Corning, Calif. 95021.	May 24, 1974.
Do	Los Angeles	Burbank, city of	H 065018A 01 through H 065018A 06	do	Assistant City Manager, 275 East Oliver Ave., Burbank, Calif. 91510.	July 19, 1974. Sept. 26, 1975.
Delaware	Kent	Smyrna, city of	H 100017A 01	Delaware State Planning Office, Thomas Collins Bldg., 530 South Dupont Highway, Dover, Del. 19901. Delaware Insurance Department, 21 The Green, Dover, Del. 19901.	Town Manager, 107 South Main St., Smyrna, Del. 19977.	May 10, 1974. Sept. 26, 1975.
Georgia	Houston	Perry, city of	H 130110A 01 through H 130110A 06	Department of Natural Resources, Office of Planning and Research, 270 Washington St. SW., Room 707, Atlanta, Ga. 30334. Georgia Insurance Department, State Capitol, Atlanta, Ga. 30334.	Mayor, P.O. Drawer A, Perry, Ga. 31069.	May 31, 1974. Sept. 26, 1975.
Illinois	Cook	North Riverside, village of	H 170135A 01	Governor's Task Force on Flood Control, 300 North State St., Room 1010, P.O. Box 475, Chicago, Ill. 60610. Illinois Insurance Department, 525 West Jefferson St., Springfield, Ill. 62702.	Village President, 2400 South Desplines Ave., Riverside, Ill. 60546.	Feb. 1, 1974. Sept. 26, 1975.
Do	De Kalb	Kirkland, village of	H 170156A 01	do	Village President, Main St., Kirkland, Ill. 60146.	May 31, 1974. Sept. 26, 1975.
Do	Du Page	Wheaton, city of	H 170221A 01 through H 170221A 04	do	Mayor, Box 727, Wheaton, Ill. 60187.	Apr. 5, 1974. Sept. 26, 1975.
Do	Grundy	Coal City, Village of	H 170258A 01	do	Mayor, 545 South Broadway, Coal City, Ill. 60416.	Mar. 8, 1974.
Do	Iroquois	Crescent City, village of	H 170201A 01	do	Mayor, Village Hall, Crescent City, Ill. 60928.	Mar. 1, 1974.
Indiana	Hendricks	Plainfield, town of	H 180089A 01 through H 180089A 03	Division of Water, Department of Natural Resources, 608 State Office Bldg., Indianapolis, Ind. 46204. Indiana Insurance Department, 509 State Office Bldg., Indianapolis, Ind. 46204.	Town Board President, 206 West Main, Plainfield, Ind. 46168.	Feb. 1, 1974. Sept. 26, 1975.
Kansas	Johnson	Mission, city of	H 200170A 01 through H 200170A 02	Division of Water Resources, Kansas Department of Agriculture, 1720 South Topeka Ave., Topeka, Kans. 66612. Kansas Insurance Department, 1st Floor, Statehouse, Topeka, Kans. 66612.	City Administrator, City Hall, City of Mission, 6090 Woodson Rd., Shawnee Mission, Kans. 66202.	May 31, 1974. Sept. 26, 1975.
Louisiana	Chalmette Parish	Haynesville, town of	H 220051A 01 through H 220051A 02	State Department of Public Works, P.O. Box 44155, Capitol Station, Baton Rouge, La. 70804. Louisiana Insurance Department, Box 44214, Capitol Station, Baton Rouge, La. 70804.	Mayor, Town Hall, Haynesville, La. 71038.	Mar. 8, 1974. Sept. 26, 1975.
Maryland	Dorchester	Cambridge, city of	H 240008A 01 through H 240008A 04	Department of Natural Resources, Water Resources Division, State Office Bldg., Annapolis, Md. 21401. Maryland Insurance Department, 301 West Preston St., Baltimore, Md. 21201.	Mayor, Box 255, Cambridge, Md. 21613.	Oct. 18, 1974. Sept. 26, 1975.
Do	do	Secretary, town of	H 240123A 01	do	Mayor, Main St., Secretary, Md. 21664.	Nov. 1, 1974. Sept. 26, 1975.
Michigan	East Grand Rapids	East Grand Rapids, city of	H 260105A 01 through H 260105A 03	Water Resources Commission, Bureau of Water Management, Stevens T. Mason Bldg., Lansing, Mich. 48226. Michigan Insurance Bureau, 111 North Hooper St., Lansing, Mich. 48213.	Mayor, 750 Lakeside Drive SE., East Grand Rapids, Mich. 49509.	May 17, 1974. Sept. 26, 1975.
Do	Newaygo	Fremont, city of	H 260167A 01 through H 260167A 03	do	Mayor, 101 East Main St., Fremont, Mich. 49412.	May 31, 1974.
Do	Washtenaw	Ann Arbor, city of	H 260213A 01 through H 260213A 10	do	Mayor, City Hall, Ann Arbor, Mich. 48108.	June 28, 1974. Sept. 26, 1975.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Minnesota	Hennepin	Eden Prairie, city of	H 270159A 01 through H 270159A 11	Division of Waters, Soils, and Minerals Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	Mayor, 8950 Eden Prairie Rd., Eden Prairie, Minn. 55343.	Mar. 1, 1974. Sept. 26, 1975.
Do.	Stearns	Waite Park, city of	H 270461A 01	do.	Mayor, Village Hall, Waite Park, Minn. 56387.	Mar. 8, 1974.
Mississippi	Perry	New Augusta, town of	H 280131A 01 through H 280131A 04	Mississippi Research and Develop- ment Center, P.O. Drawer 2470, Jackson, Miss. 39205. Mississippi Insurance Department, 910 Woodfolk Bldg., P.O. Box 79, Jackson, Miss. 39205.	Mayor, City Hall, New Augusta, Miss. 39462.	Feb. 15, 1974. Sept. 26, 1975.
Missouri	New Madrid	Howardville, city of	H 290251A 01	Department of Natural Resources, Di- vision of Program and Policy Devel- opment, State of Missouri, 308 East High St., Jefferson City, Mo. 65101. Division of Insurance, P.O. Box 600, Jefferson City, Mo. 65101.	Mayor, City Hall, P.O. Box 29, How- ardville, Mo. 63869.	May 17, 1974.
Nebraska	Custer	Broken Bow, city of	H 310051A 01 through H 310051A 02	Nebraska Natural Resources Commis- sion, 7th Floor, Terminal Bldg., Lincoln, Nebr. 68508. Nebraska Insurance Department, 1335 L St., Lincoln, Nebr. 68509.	City Administrator, P.O. Box 504, Broken Bow, Nebr. 68822.	Jan. 23, 1974. Sept. 26, 1975.
New Hamp- shire	Grafton	Bristol, town of	H 330047A 01 through H 330047A 13	Office of Comprehensive Planning, Di- vision of Community Planning, State House Annex, Concord, N.H. 03301. New Hampshire Insurance Depart- ment, 78 North Main St., Concord, N.H. 03301.	Office of Selectmen, Bristol, N.H. 03222.	June 21, 1974. Sept. 26, 1975.
New Jersey	Burlington	Lumberton, township of	H 340100A 01 through H 340100A 04	Bureau of Water Control, Department of Environmental Protection, P.O. Box 1360, Trenton, N.J. 08626. New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625.	Mayor, 29 North Main St., Lumber- ton, N.J. 08048.	Apr. 5, 1974. Sept. 26, 1975.
Do.	Essex	Irvington city of	H 340184A 01 through H 340184A 04	do.	Mayor, Civic Sq., Irvington, N.J. 07111.	Dec. 28, 1974.
Do.	Salem	Elmhurst, township of	H 340154A 01 through H 340154A 06	do.	Mayor, Rural Delivery No. 3, Salem, N.J. 08079.	July 19, 1974. Sept. 26, 1975.
New York	Cattaraugus	Persia, town of	H 360002A 01 through H 360002A 06	New York State Department of En- vironmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Depart- ment, 2 World Trade Center, New York, N.Y. 10047.	Town Supervisor, Town of Persia, Gowanda, N.Y. 14079.	May 17, 1974. Sept. 26, 1975.
Do.	Franklin	Saranac Lake, village of	H 360273A 01 through H 360273A 03	do.	Village Manager, 10 Main St., Sarana- c Lake, N.Y. 12863.	May 31, 1974. Sept. 26, 1975.
Do.	Herkimer	Dolgeville, village of	H 360301A 01	do.	Mayor, 41 North Main St., Dolgeville, N.Y. 13329.	Feb. 15, 1974. Sept. 26, 1975.
Do.	Rockland	Haverstraw, town of	H 360681A 01 through H 360681A 02	do.	Supervisor, 41 New Main St., Haver- straw, N.Y. 10927.	Mar. 29, 1974. Sept. 26, 1975.
Do.	do	Stony Point, town of	H 360693A 01 through H 360693A 04	do.	Supervisor, Town Hall, 74 East Main St., Stony Point, N.Y. 10980.	May 10, 1974. Sept. 26, 1975.
Do.	Onondaga	Manlius, village of	H 360977A 01 through H 360977A 02	do.	Mayor, 102 Washington St., Manlius, N.Y. 13104.	Aug. 2, 1974. Sept. 26, 1975.
Do.	Schoharie	Richmondville, village of	H 361000A 01	do.	Mayor, Village Hall, Richmondville, N.Y. 12149.	May 31, 1974. Sept. 26, 1975.
Do.	Steuben	Tuscarora, town of	H 361214A 01 through H 361214A 05	do.	Town Supervisor, Town of Tuscarora, Rural Delivery No. 2, Addison, N.Y. 14801.	Oct. 25, 1974. Sept. 26, 1975.
Do.	Columbia	Valatie, village of	H 361508A 01	do.	Mayor, Village Hall, Valatie, N.Y. 12184.	Nov. 15, 1974.
Do.	Wyoming	Arcade, village of	H 361555A 01	do.	Mayor, 17 Church St., Arcade, N.Y. 14009.	May 31, 1974.
North Carolina	Johnston	Clayton, town of	H 370139A 01 through H 370139A 06	Division of Community Assistance, Department of Natural and Eco- nomic Resources, P.O. Box 27687, Raleigh, N.C. 27611. North Carolina Insurance Depart- ment, P.O. Box 26387, Raleigh, N.C. 27611.	Mayor, Box 777, Clayton, N.C. 27520.	Dec. 28, 1973. Sept. 26, 1975.
North Dakota	Towner	Cando, city of	H 380217A 01	State Water Commission, State Office Bldg., 900 East Blvd., Bismarck, N. Dak. 58501. North Dakota Insurance Department, State Capitol, Bismarck, N. Dak. 58501.	Mayor, City Hall, Cando, N. Dak. 58321.	Jan. 10, 1975. Sept. 26, 1975.
Ohio	Cuyaboga	Broadview Heights, city of	H 390009A 01 through H 390009A 04	Ohio Department of Natural Re- sources, Fountain Sq., Flood In- surance Coordination Bldg., Colum- bus, Ohio 43224. Ohio Insurance Department, 447 East Broad St., Columbus, Ohio 43215.	Mayor, 8938 Broadview Rd., Broad- view Heights, Ohio 44147.	June 21, 1974. Sept. 26, 1975.
Do.	Delaware	Ostrander, village of	H 390150A 01	do.	Mayor, Ostrander, Ohio 43061.	Sept. 20, 1974.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Oregon	Benton	Monroe, city of	H 410010A 01	Executive Department, State of Oregon, Salem, Ore. 97310. Oregon Insurance Division, Department of Commerce, 158 12th St. N.E., Salem, Ore. 97310.	Planning Commissioner, City Hall, Monroe, Ore. 97456.	Nov. 8, 1974.
Do	Curry	Brookings, city of	H 410053A 01 through H 410053A 03	do	Mayor, 898 Elk Dr., P.O. Box C, Brookings, Ore. 97415.	May 31, 1974. Sept. 26, 1975.
Do	Gilliam	Condon, city of	H 410072A 01	do	Councilman, City Hall, Condon, Ore. 97832.	May 21, 1974. Sept. 26, 1975.
Do	Umatilla	Pendleton, city of	H 410211A 01 through H 410211A 05	do	City Planner, P.O. Box 190, Pendleton, Ore. 97901.	May 21, 1974. Sept. 26, 1975.
Pennsylvania	Delaware	Morton, borough of	H 420423A 01	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17130. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Borough Council President, 400 Highland Ave., Morton, Pa. 19070.	Feb. 14, 1975. Sept. 26, 1975.
Do	Westmoreland	Southwest Greensburg, borough of	H 420001A 01	do	Mayor, Borough of Southwest Greensburg, 314 Oakland, Greensburg, Pa. 15601.	Feb. 1, 1974.
Do	Mifflin	Granville, township of	H 421134A 01 through H 421134A 13	do	Chairman Township Supervisors, Township of Granville, Rural Delivery No. 4, Lewisburg, Pa. 17044.	Aug. 30, 1974. Sept. 26, 1975.
South Carolina	Orangeburg	Orangeburg, city of	H 450164A 01 through H 450164A 04	South Carolina Water Resources Commission, P.O. Box 4515, Columbia, S.C. 29200. South Carolina Insurance Department, 2711 Middleburg St., Columbia, S.C. 29204.	Mayor, P.O. Drawer 387, Orangeburg, S.C. 29115.	June 28, 1974. Sept. 26, 1975.
Do	Richland	Forest Acres, city of	H 450174A 01 through H 450174A 03	do	City Administrator, City of Forest Acres, 4405 Bethel, Columbia, S.C. 29206.	June 7, 1974. Sept. 26, 1975.
Tennessee	Lauderdale	Ripley, town of	H 470100A 01 through H 470100A 04	Tennessee State Planning Office, 660 Capitol Hill Bldg., Nashville, Tenn. 37219. Tennessee Department of Insurance and Banking, 114 State Office Bldg., Nashville, Tenn. 37215.	Mayor, 110 Washington St., P.O. Box 287, Ripley, Tenn. 38063.	May 17, 1974. Sept. 26, 1975.
Texas	Ochiltree	Perryton, city of	H 480506A 01	Texas Water Development Board, P.O. Box 4387, Capitol Station, Austin, Tex. 78711. Texas Insurance Department, 1110 San Jacinto St., Austin, Tex. 78701.	City Engineer, City Hall, Perryton, Tex. 76070.	Sept. 13, 1974.
Utah	Sevier	Salina, city of	H 490132A 01 through H 490132A 02	Department of Natural Resources, Division of Water Resources, State Capitol Bldg., Room 435, Salt Lake City, Utah 84114. Utah Insurance Department, 115 State Capitol, Salt Lake City, Utah 84114.	Mayor, City Hall, Salina, Utah 84114.	Jan. 23, 1974. Sept. 26, 1975.
Virginia	Shenandoah	Woodstock, town of	H 510150A 01 through H 510150A 02	Bureau of Water Control Management, State Water Control Board, P.O. Box 1143, Richmond, Va. 23230. Virginia Insurance Department, 700 Blanton Bldg., P.O. Box 4157, Richmond, Va. 23200.	Town Manager, Box 169, Woodstock, Va. 22664.	June 28, 1974. Sept. 26, 1975.
West Virginia	Kanawha	East Bank, town of	H 540077A 01	Office of Federal-State Relations, Division of Planning and Development, Capitol Bldg., Room 150, Charleston, W. Va. 25305. Mr. Donald W. Brown, Insurance Commissioner, 1800 Washington St., Building No. 3, Room 613, Charleston, W. Va. 25305.	Mayor, Town Hall, Box 307, East Bank, W. Va. 25065.	Mar. 22, 1974.
Do	do	Pratt, town of	H 540082A 01	do	Mayor, Town Hall, Pratt, W. Va. 25162.	Mar. 8, 1974. Sept. 26, 1975.
Wisconsin	Waukesha	New Berlin, city of	H 550487A 01 through H 550487A 12	Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701. Wisconsin Insurance Department, 201 East Washington Ave., Madison, Wis. 53703.	Mayor, 16300 West National Ave., New Berlin, Wis. 53151.	June 21, 1974. Sept. 26, 1975.
Wyoming	Carbon	Baggs, town of	H 590099A 01	Wyoming Disaster and Civil Defense Agency, P.O. Box 1709, Cheyenne, Wyo. 82001. Department of Insurance, State of Wyoming, State Office Bldg., Cheyenne, Wyo. 82001.	Clerk-Treasurer, P.O. Box 12, Baggs, Wyo. 82321.	Nov. 22, 1974.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secre-

tary's delegation of authority to Federal Insurance Administrator, 34 FR 2690, Feb. 27, 1969).

Issued: September 15, 1975.

[FR Doc.75-26366 Filed 10-2-75;8:45 am]

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 7379]

PART 11—TEMPORARY INCOME TAX REGULATIONS UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

Temporary Regulations Relating to Qualified Joint and Survivor Annuities

Preamble. This document contains temporary income tax regulations (26 CFR Part 11) under section 401(a)(11) of the Internal Revenue Code of 1954, as added by section 1021(a)(1) of the Employee Retirement Income Security Act of 1974 (the "Act") (Public Law 93-406, 88 Stat. 935) in order to provide rules for qualified joint and survivor annuities.

Section 11.401(a)-11(a) of the temporary regulations provides the general rule that a trust, which is a part of a plan providing for the payment of benefits in any form of a life annuity (an annuity requiring survival as a condition for payment), shall not constitute a qualified trust unless such plan provides that these benefits must be paid in a form having the effect of a qualified joint and survivor annuity. The position of the temporary regulations that section 401(a)(11) applies to a plan providing for the payment of benefits in any form of a life annuity is based on a statement in the Report of the Committee on Ways and Means (H.R. Rept. No. 93-807, 93d Cong., 2d Sess. 67 (1974)) to the effect that the joint and survivor annuity requirement applies "if a plan provides for a lifetime annuity."

Section 401(a)(11) and the temporary regulations apply only to plans to which section 411, relating to minimum vesting standards, applies without regard to section 411(e)(2). The effect of disregarding section 411(e)(2) is to exempt from the requirements of section 401(a)(11) governmental plans, church plans, plans which have not at any time after the date of enactment of the Act provided for employer contributions, and plans established and maintained by a society, order, or association described in section 501(c)(8) or (9), if no part of the contributions to or under such plans are made by employers of participants in such plans.

Section 401(a)(11) and the temporary regulations apply if a participant's annuity starting date falls within a plan year beginning after December 31, 1975, and the participant was an active participant in the plan on or after the first day of the first plan year beginning after December 31, 1975. The term "active participant" is defined in the temporary regulations as a participant for whom benefits are being accrued under the plan on his behalf, the employer is obligated to contribute to or under the plan on his behalf, or the employer would have been obligated to contribute to or under the plan on his behalf if any contributions were made to or under the plan.

Section 401(a)(11)(E) of the Code requires a plan to provide for an election not to take a qualified joint and survivor

annuity. Section 11.401(a)-11(c) of the temporary regulations provides that this election is to be available for a reasonable period before the annuity starting date. For purposes of these temporary regulations, a reasonable amount of time will not necessarily be the same amount of time as stated in the proposed final regulations. An explanation, written in nontechnical language, must be provided to the participant by the plan administrator within a reasonable amount of time from the date of the participant's request during the election period. The election is revocable during the election period. A plan may, however, provide that a qualified joint and survivor annuity is to be the only form of benefit payable under the plan, and in this case, no election need be provided.

Under section 401(a)(11)(B) of the Code, a plan which provides for the payment of benefits before normal retirement age is not required to provide a qualified joint and survivor annuity to a participant and his spouse during the period beginning on the date the employee becomes a participant and ending on the later of the date the employee reaches the earliest retirement age or 10 years before the participant reaches normal retirement age. Such plans must provide a participant with an election to having a survivor annuity payable on his death if he continues employment during the period beginning on the later of the date the participant reaches the earliest retirement age or 10 years before the participant reaches normal retirement age and ending on the date the participant reaches normal retirement age.

Section 11.401(a)-11(d)(3) states that the election period is to begin a reasonable amount of time before the start of the period described in the preceding sentence and end on the date the participant terminates employment. An explanation, written in nontechnical language, must be provided to the participant by the plan administrator within a reasonable period from the date of his request.

The election is revocable during the election period. Breaks in service will neither invalidate a previous election or revocation nor prevent a future election or revocation. If a participant in such a plan terminates employment after reaching normal retirement age, he cannot be required to make this election in order to receive a qualified joint and survivor annuity. A plan may provide that a survivor annuity is to be the only form of benefit payable under the plan, and in this case, no election need be provided.

Section 401(a)(11)(D) provides that a plan will not be treated as not satisfying the requirements of section 401(a)(11) because the spouse of the participant is not entitled to receive a survivor annuity unless the participant and his spouse have been married throughout the 1-year period ending on the date of the participant's death. Section 11.401(a)-11(e) of the temporary regulations also allows a plan to require the partici-

pant and his spouse to have been married to each other on the annuity starting date.

Adoption of regulations. In order to prescribe temporary income tax regulations (26 CFR Part 11) relating to qualified joint and survivor annuities pursuant to section 401(a)(11) of the Internal Revenue Code of 1954, as added by section 1021(a)(1) of the Employee Retirement Income Security Act of 1974 (Public Law 93-406, 88 Stat. 935), the following temporary regulations are hereby adopted:

§ 11.401(a)-11 Qualified joint and survivor annuities.

(a) *In general.*—(1) *General rule.* A trust, which is a part of a plan providing for the payment of benefits in any form of a life annuity (i.e., an annuity requiring survival of the participant or his spouse as a condition for payment), shall not constitute a qualified trust under section 401(a)(11) and this section unless such plan provides that these benefits must be paid in a form having the effect of a qualified joint and survivor annuity. Therefore, any benefits which may be paid in any form of a life annuity must be paid in a form having the effect of a qualified joint and survivor annuity unless the participant makes the election, described in paragraph (c) of this section, not to receive benefits in this form. A plan will not fail to meet the requirements of section 401(a)(11) and this section merely because it provides that the spouse of a deceased participant may elect to have benefits paid in a form other than a qualified joint and survivor annuity. Section 401(a)(11) and this section shall apply only in the case of a plan to which section 411 (relating to minimum vesting standards) applies without regard to section 411(e)(2). Without regard to the election provided under paragraph (d)(3) of this section, unless an election has been made under paragraph (c) of this section, a plan to which this section applies must provide that a survivor annuity shall be payable on the death of an active participant after normal retirement age.

(2) *Illustration.* The provisions of this paragraph may be illustrated by the following example:

Example. The X Corporation Defined Contribution Plan was established in 1960. As in effect on January 1, 1974, the plan provided that, upon his retirement, a participant could elect to receive the balance of his individual account in the form of (1) a lump-sum cash payment, (2) a lump-sum distribution consisting of X Corporation stock, (3) five equal annual cash payments, (4) a life annuity, or (5) a combination of options (1) through (4). The plan also provided that, if a participant did not elect another form of distribution, the balance of his individual account would be distributed to him in the form of a lump-sum cash payment upon his retirement. Assume that section 401(a)(11) and this section first become applicable to the plan as of its plan year beginning January 1, 1976, with respect to persons who were active participants in the plan on such date (see paragraph (b) of this section). Unless the X Corporation Defined Contribution Plan either discontinues the life annuity payment option or is

amended to provide that the balance of a participant's individual account will be paid to him in a form having the effect of a qualified joint and survivor annuity unless the participant elects another form of benefit payment, the trust established under the plan will fail to qualify under section 401(a).

(b) *Definitions.* As used in this section—

(1) *Qualified joint and survivor annuity.* The term "qualified joint and survivor annuity" means an annuity for the life of the participant with a survivor annuity for the life of his spouse which is neither (i) less than one-half of, nor (ii) greater than, the amount of the annuity payable during the joint lives of the participant and his spouse. A qualified joint and survivor annuity must be at least the actuarial equivalent of the normal form of annuity or any optional form of benefit offered under the plan. Equivalence may be determined, on the basis of consistently applied reasonable actuarial factors, for each participant or for all participants or reasonable groupings of participants, if such determination does not result in discrimination in favor of employees who are officers, shareholders, or highly compensated. An annuity is not a qualified joint and survivor annuity if payments to the spouse of a deceased participant are terminated because of such spouse's remarriage.

(2) *Annuity starting date.* The term "annuity starting date" means the first day of the first period with respect to which an amount is received as an annuity, whether by reason of retirement or by reason of disability.

(3) *Earliest retirement age.* The term "earliest retirement age" means the earliest date on which, under the plan, the participant could elect to receive retirement benefits, including any benefit the participant is entitled to receive on account of disability.

(c) *Election not to take joint and survivor annuity form.*—(1) *In general.* A plan shall not be treated as satisfying the requirements of this section unless each participant has the right to elect in writing not to take a joint and survivor annuity during a reasonable period before the annuity starting date. However, if a plan provides that a qualified joint and survivor annuity is the only form of benefit payable under the plan, no election need be provided.

(2) *Information to be provided to the participant.* (i) The plan administrator must furnish to the participant a written notification, in nontechnical terms, of the availability of the election provided by this paragraph, within a reasonable amount of time after the first day of the election period. This notification shall also inform the participant of the availability of the information specified in subdivision (ii) of this subparagraph.

(ii) The plan administrator must furnish to the participant a written explanation in nontechnical language of the terms and conditions of the joint and survivor annuity and the financial effect upon the participant's annuity (in terms of dollars per annuity payment) of making an election under this para-

graph. This explanation must be provided to the participant within a reasonable amount of time from the date of the participant's request during the election period.

(3) *Form of election.* The election shall be in writing and clearly indicate that the participant is electing to receive his benefits under the plan in a form other than that of a joint and survivor annuity.

(4) *Election is revocable.* This election may be revoked in writing during the election period. After an election is revoked another election under this paragraph may be made during the election period.

(d) *Plans providing for early retirement.*—(1) *Period during which qualified joint and survivor annuity not required.* Notwithstanding the provisions of paragraph (a) of this section, in the case of a plan which provides for the payment of benefits before the normal retirement age (as defined in section 411(a)(8)), the plan is not required to provide for the payment of annuity benefits in a form having the effect of a qualified joint and survivor annuity during the period beginning on the date on which the employee enters into the plan as a participant and ending on the later of—

(i) The date the employee reaches the earliest retirement age under the plan (as defined in paragraph (b)(3) of this section), or

(ii) The first day of the 120th month beginning before the date on which the employee reaches normal retirement age.

(2) *Period during which qualified joint and survivor annuity required.* (i) If a participant terminates employment and begins to receive retirement benefits during the period described in subparagraph (1) of this paragraph, he and his spouse must receive, after the termination of such period (or after the date such period would have terminated if the participant had survived), benefits having the effect of a qualified joint and survivor annuity, unless the participant has made an election under paragraph (c) of this section.

(ii) If a participant terminates employment and begins to receive retirement benefits after the period described in subparagraph (1) of this paragraph, he and his spouse must receive benefits having the effect of a qualified joint and survivor annuity, unless the participant has made an election under paragraph (c) of this section.

(iii) The provisions of this subparagraph may be illustrated by the following example:

Example. A plan which provides a benefit in the form of a life annuity also provides that a participant may retire before the normal retirement age of 65 and receive a benefit, if he has completed 30 years of service. A, an employee, became a participant at the age of 18. A retires and begins to receive retirement benefits at the age of 48. Unless A otherwise elects, the plan must provide a qualified joint and survivor annuity to A and his spouse after A reaches age 55 (the later of the earliest retirement age (age 48) or 10 years before normal retirement age (age 65)) or after the date A would have

reached age 55, if he had survived. The survivor annuity paid to the spouse must satisfy the requirements of paragraph (b)(1) of this section. The plan may, but is not required to, provide the survivor annuity before age 55 if the participant dies between age 48 and age 55.

(3) *Election of survivor annuity.*—(i) *In general.* (A) A plan described in subparagraph (1) of this paragraph does not meet the requirements of paragraph (a) of this section unless, under the plan, a participant may elect, during a reasonable period, a survivor annuity to be payable on his death during the period beginning on the date on which the period described in subparagraph (1) of this paragraph ends and ending on the date on which he reaches normal retirement age if he continues his employment during that period. Breaks in service during that period will neither invalidate a previous election or revocation nor prevent an election from being made or revoked during the election period.

(B) If a plan provides that a survivor annuity is the only form of benefit payable under the plan, no election need be provided.

(ii) *Example.* The provisions of subdivision (1) of this subparagraph may be illustrated by the following example:

Example. A plan which provides a life annuity also provides that a participant may retire before the normal retirement age of 65 and receive a benefit, if he has completed 30 years of service. Under this plan, an employee who became a participant at the age of 18 will be eligible to receive retirement benefits at the age of 48. This plan must allow a participant who continues his employment to elect a survivor annuity, described in subdivision (v) of this subparagraph, to be payable on the death of the participant if death occurs after age 55 (the later of the date the participant reaches the earliest retirement age (age 48) or 10 years before normal retirement age (age 65)) but before the date the participant reaches normal retirement age (age 65).

(iii) *Information to be provided by plan administrator.* (A) The plan administrator must furnish to the participant a written notification in nontechnical terms of the availability of the election provided by this subparagraph, within a reasonable amount of time after the first day of the election period. This notification shall also inform the participant of the availability of the information specified in subdivision (iii)(B) of this subparagraph.

(B) During the election period, the plan administrator must furnish to the participant, within a reasonable amount of time from the date of his request, a written explanation in nontechnical language of the terms and conditions of the survivor annuity and the financial effect upon the participant's annuity (in terms of dollars per annuity payment) of an election or of a revocation of an election under this subparagraph.

(iv) *Payments under the survivor annuity.* In order to meet the requirements of this subparagraph, if an election is made, the payments under the survivor annuity must not be less than the payments which would have been made

under the joint and survivor annuity to which the surviving spouse would have been entitled if the participant had made the election described in this subparagraph immediately prior to his retirement and if his retirement had occurred on the day before his death and within the period during which an election can be made. For example, if a participant is entitled to a single life annuity of \$100 per month or a reduced amount under a qualified joint and survivor annuity of \$80 per month, regardless of when he makes a valid election under subparagraph (2) of this paragraph, his spouse is entitled to a payment of at least \$40, but not more than \$80 per month, under the survivor annuity.

(v) *Form of election.* The election shall be in writing and clearly indicate that the participant is electing the joint and survivor annuity form.

(vi) *Election is revocable.* An election under this subparagraph may be revoked in writing during the election period. After an election has been revoked, another election under this subparagraph may be made during the election period. See paragraph (c) of this section, relating to the right to elect not to take the joint and survivor annuity form.

(e) *Marriage requirements.* (1) A plan shall be treated as satisfying the requirements of this section even though it requires the participant and his spouse to have been married to each other on the annuity starting date.

(2) A plan shall be treated as satisfying the requirements of this section even though it provides that the spouse of the participant is not entitled to receive a survivor annuity (whether or not the election described in paragraph (d) (2) of this section has been made) unless the participant and his spouse have been married to each other throughout the 1-year period ending on the date of such participant's death.

(f) *Effect of participant's death on an election or revocation of an election under paragraph (c) or (d) (2).* A plan shall not be treated as not satisfying the requirements of this section merely because the plan contains a provision that any election made under paragraph (c) or (d) (2) of this section and any revocation of any such election does not become effective or ceases to be effective if the participant dies within a period, not in excess of 2 years, beginning on the date of such election or revocation. A plan containing a provision described in the preceding sentence shall not satisfy the requirements of this section unless it also provides that any such election and any revocation of any such election will be given effect in any case in which—

(1) The participant dies from accidental causes,

(2) A failure to give effect to the election or revocation would deprive the participant's survivor of a survivor annuity, and

(3) Such election or revocation is made before such accident occurred.

(g) *Costs of providing joint and survivor annuity form.* A plan may take into account in any equitable manner con-

sistent with generally accepted actuarial principles applied on a consistent basis any increased costs resulting from providing joint and survivor annuity benefits.

(h) *Application and effective date.* (1) Section 401(a) (11) and this section shall apply to a plan only with respect to plan years to which section 411 (relating to minimum vesting standards) is applicable to the plan.

(2) Section 401(a) (11) and this section shall apply if—

(i) The participant's annuity starting date falls within a plan year beginning after December 31, 1975, and

(ii) The participant was an active participant in the plan on or after the first day of the first plan year beginning after December 31, 1975.

For purposes of this paragraph, the term "active participant" means a participant for whom benefits are being accrued under the plan on his behalf, the employer is obligated to contribute to or under the plan on his behalf, or the employer would have been obligated to contribute to or under the plan on his behalf if any contributions were made to or under the plan.

Because of the need for immediate guidance with respect to the provisions contained in this Treasury decision, it is found impracticable to issue it with notice and public procedure thereon under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(Secs. 401(a) (11) and 7805 of the Internal Revenue Code of 1954 (88 Stat. 935, 68A Stat. 917; 26 U.S.C. 401(a) (11), 7805))

DONALD C. ALEXANDER,

Commissioner of Internal Revenue.

Approved: September 29, 1975.

CHARLES M. WALKER,

Assistant Secretary of the Treasury.

[FR Doc. 75-26546 Filed 9-30-75; 4:20 pm]

[T.D. 7390]

PART 11—TEMPORARY INCOME TAX REGULATIONS UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

Minimum Participation Standards

Preamble. This document contains temporary income tax regulations (26 CFR Part 11) under section 410 of the Internal Revenue Code of 1954, as added by section 1011 of the Employee Retirement Income Security Act of 1974 (88 Stat. 898) (hereinafter referred to as the "Act").

The temporary regulations contained in this document will also apply for purposes of section 202 of such Act (88 Stat. 853).

Section 410 of the Code prescribes minimum participation standards which are qualification requirements for pension, stock bonus, or profit-sharing plans (and their related trusts). These qualification requirements also apply to custodial ac-

counts, annuity plans, and bond purchase plans described in sections 401(f), 404(a) (2), and 405(a), respectively, of the Code.

Section 11.410(a)-1(c) provides that section 410 does not apply to governmental plans, certain church plans, plans not providing for employer contributions after September 2, 1974, and certain plans of organizations described in section 501(c) (8) or (9) of the Code.

Section 11.410(a)-2 provides the effective dates for the temporary regulations under section 410. In general, these rules apply to plans in existence on January 1, 1974, for plan years beginning after December 31, 1975, and to other plans for plan years beginning after September 2, 1974.

Section 11.410(a)-3 provides generally that a plan is not qualified if the plan requires as a condition of plan participation that an employee complete a period of service extending beyond the later of two dates: (1) the date the employee attains age 25, or (2) the date the employee completes 1 year of service.

Paragraphs (b) and (c) of section 11.410(a)-3 provide special rules for plans with 100 percent vesting after 3 years of service and plans for employees of certain educational institutions. The temporary regulations make it clear that employees can be excluded for conditions other than age and service conditions.

Paragraph (e) of section 11.410(a)-3 takes the position that plan provisions which have the effect of requiring an age or service requirement will be treated as imposing an age or service requirement even though such provisions do not refer to age or service.

Section 11.410(a)-4(a) sets forth another qualification requirement which prohibits plans from imposing a maximum age condition for participation. This requirement is inapplicable to a defined benefit or a target benefit plan if the employee is hired within 5 years of his normal retirement age.

Section 11.410(a)-4(b) sets forth another qualification requirement for when plan participation must commence. Under this rule, once an employee has satisfied the plan's minimum age and service requirements, he must begin his plan participation by the earlier of (1) the date 6 months after the requirements are satisfied or (2) the beginning of the next plan year after the requirements are satisfied.

Section 11.410(a)-5 sets forth rules for years of service and breaks of service which are used in computing an employee's service under a plan.

Section 11.410(a)-6 sets forth a special rule with respect to a plan's break in service rules. This provision places certain limitations on plan amendments to its break in service rules for the period between January 1, 1974, and the time section 410 applies to the plan.

Section 11.410(b)-1 sets forth another qualification requirement under which a plan must cover certain employees. In general, this requirement is the same as the pre-Act coverage requirement under section 401(a) (3) of the Code. The Act

did make several changes, which are set forth in the proposed regulations.

The most significant change is to allow a plan to exclude certain classes of employees from consideration in applying the percentage or nondiscriminatory coverage tests. Among the excluded classes are certain employees covered by a collective bargaining agreement, persons not covered by an agreement involving certain air pilots, and certain nonresident aliens.

Section 11.410(d)-1 sets forth the manner in which certain church plans may elect to have the minimum participation, vesting, funding, etc., provisions apply to the plan. Certain regulations prescribed by the Secretary of Labor are applicable for purposes of section 410 and the temporary regulations thereunder.

Adoption of regulations. In order to prescribe temporary income tax regulations (26 CFR Part 11) to reflect the addition of section 410 to the Internal Revenue Code, and in order to supersede § 11.410-1 of the Temporary Income Tax Regulations under the Employee Retirement Income Security Act of 1974 (26 CFR § 11.410-1) and § 420.0-1 of the Temporary Regulations on Procedure and Administration under the Employee Retirement Income Security Act of 1974 (26 CFR § 420.0-1), the following temporary regulations are hereby adopted:

§ 11.410(a)-1 Minimum participation standards; general rules.

(a) *In general.* A plan is not a qualified plan (and a trust forming a part of such plan is not a qualified trust) unless the plan satisfies—

(1) The minimum age and service requirements of section 410(a)(1) and § 11.410(a)-3,

(2) The maximum age requirements of section 410(a)(2) and § 11.410(a)-4, and

(3) The minimum coverage requirements of section 410(b)(1) and § 11.410(b)-1.

(b) *Organization of regulations relating to minimum participation standards—(1) General rules.* This section prescribes general rules relating to the minimum participation standards provided by section 410.

(2) *Effective dates.* Section 11.410(a)-2 provides rules under section 1017 of the Employee Retirement Income Security Act of 1974 relating to effective dates under section 410.

(3) *Age and service conditions.* Section 11.410(a)-3 provides rules under section 410(a)(1) relating to minimum age and service conditions.

(4) *Maximum age and time of participation.* Section 11.410(a)-4 provides rules under section 410(a)(2) and (4) relating to maximum age and time of participation.

(5) *Year of service; breaks in service.* For rules relating to years of service and breaks in service, see 29 CFR Part 2530 (Department of Labor regulations relating to minimum standards for employee pension benefit plans). See § 11.410(a)-5 for rules under section 410(a)

(3)(B) relating to seasonal industries and for certain rules under section 410 (a)(5) relating to breaks in service.

(6) *Breaks in service.* Section 11.410(a)-(6) provides special rules under section 1017(f) of the Employee Retirement Income Security Act of 1974 relating to amendment of break in service rules.

(7) *Coverage.* Section 11.410(b)-1 provides rules relating to the minimum coverage requirements provided by section 410(b)(1).

(8) *Church election.* Section 11.410(d)-1 provides rules relating to the election by church to have participation, vesting, funding, etc., provisions apply.

(c) *Application of participation standards to certain plans—(1) General rule.* Except as provided in subparagraph (2) of this paragraph, section 410 does not apply to—

(i) A governmental plan (within the meaning of section 414(d) and the regulations thereunder),

(ii) A church plan (within the meaning of section 414(e) and the regulations thereunder) which has not made the election provided by section 410(d) and the regulations thereunder,

(iii) A plan which has not provided for employer contributions at any time after September 2, 1974, and

(iv) A plan established and maintained by a society, order, or association described in section 501(c)(8) or (9), if no part of the contributions to or under such plan are made by employers of participants in such plan.

(2) *Participation requirements.* A plan described in subparagraph (1) of this paragraph shall, for purposes of section 401(a), be treated as meeting the requirements of section 410 if such plan meets the coverage requirements resulting from the application of section 401 (a)(3) as in effect on September 1, 1974.

§ 11.410(a)-2 Effective dates.

(a) *Plans not in existence on January 1, 1974.* Under section 1017(a) of the Employee Retirement Income Security Act of 1974, in the case of a plan which was not in existence on January 1, 1974, section 410 and the regulations thereunder apply for plan years beginning after September 2, 1974. See paragraph (c) of this section for time plan is considered in existence.

(b) *Plans in existence on January 1, 1974.* Under section 1017(b) of the Employee Retirement Income Security Act of 1974, in the case of a plan which was in existence on January 1, 1974, section 410 and the regulations thereunder apply for plan years beginning after December 31, 1975. See paragraph (c) of this section for time plan is considered to be in existence.

(c) *Time of plan existence—(1) General rule.* For purposes of this section, a plan is considered to be in existence on a particular day if—

(i) The plan on or before that day was reduced to writing and adopted by the employer (including, in the case of a corporate employer, formal approval by the

employer's board of directors and, if required, shareholders), even though no amounts had been contributed under the plan as of such day, and

(ii) The plan was not terminated on or before that day.

(2) *Collectively bargained plan.* Notwithstanding subparagraph (1) of this paragraph, a plan described in section 413 (a), relating to a plan maintained pursuant to a collective bargaining agreement, is considered to be in existence on a particular day if—

(i) On or before that day there is a legally enforceable agreement to establish such a plan signed by the employer, and

(ii) The employer contributions to be made to the plan are set forth in the agreement.

(3) *Special rule.* If a plan is considered to be in existence on January 1, 1974, under subparagraph (1) of this paragraph, any other plan with which such existing plan is merged or consolidated shall also be considered to be in existence on such date.

(d) *Certain existing plans may elect new provisions—(1) In general.* The plan administrator (as defined in section 414 (g)) of a plan that was in existence on January 1, 1974, may elect to have the provisions of the Code relating to participation, vesting, funding, and form of benefit (as in effect from time to time) apply to a plan year selected by the plan administrator which begins after September 2, 1974, but before the otherwise applicable effective dates determined under section 1017 (b) or (c), 1021, or 1024 of the Employee Retirement Income Security Act of 1974, and to all subsequent plan years. The provisions referred to are the amendments to the Code made by sections 1011, 1012, 1013, 1015, 1016(a)(1) through (11) and (13) through (27), 1021, and 1022(b) of the Employee Retirement Income Security Act of 1974.

(2) *Election is irrevocable.* Any election made under this paragraph, once made, shall be irrevocable.

(3) *Procedure and time for making election.* An election under this paragraph shall be made by attaching a statement to either the annual return required under section 6058(a) (or an amended return) with respect to the plan which is filed for the first plan year for which the election is effective or to a written request for a determination letter relating to the qualification of the plan under section 401(a), 403(a), or 405(a) of the Code and, if trustee, the exempt status under section 501(a) of the Code of a trust constituting a part of the plan. If the election is made with a written request for a determination letter, the election may be conditioned upon issuance of a favorable determination letter and will become irrevocable upon issuance of such letter. The statement shall indicate that the election is made under section 1017(d) of the Employee Retirement Income Security Act of 1974 and the first plan year for which the election is effective.

(e) *Examples.* The rules of this section are illustrated by the following examples:

Example (1). A plan is adopted on January 2, 1974, effective as of January 1, 1974. The plan is not considered to have been in existence on January 1, 1974.

Example (2). A plan was in existence on January 1, 1974, and was amended on November 1, 1974, to increase benefits. The fact that the plan was amended is not relevant and the amended plan is considered to be in existence on January 1, 1974.

Example (3). (1) A subsidiary business corporation is a member of a controlled group of corporations within the meaning of IRC section 1563(a). On November 1, 1974, the plan of the parent corporation is amended to provide coverage for employees of the subsidiary corporation. This amendment of the parent corporation's plan does not affect the effective date of section 410 with respect to the parent corporation's plan. No distinction is made for this purpose between employees of the parent corporation and employees of the subsidiary corporation.

(2) If the subsidiary adopted a separate plan on November 1, 1974, under paragraph (a) of this section, section 410 would apply to that plan for its first plan year beginning after September 2, 1974. However, the adoption of a different plan by the subsidiary would not affect the time section 410 applies to the plan of the parent corporation. If, instead of adopting its own separate plan, the subsidiary merely executed an adoption agreement under the terms of the parent plan providing that a subsidiary, upon the execution of an adoption agreement, will become part of the parent plan, the effective date of section 410 with respect to such plan will not be affected by the adoption of the plan by the subsidiary.

§ 11.410(a)-3 Minimum age and service conditions.

(a) *General rule.* Except as provided by paragraph (b) or (c) of this section, a plan is not a qualified plan (and a trust forming a part of such a plan is not a qualified trust) if the plan requires, as a condition of participation in the plan, that an employee complete a period of service with the employer or employers maintaining the plan extending beyond the later of—

(1) *Age 25.* The date on which the employee attains the age of 25; or

(2) *One year of service.* The date on which the employee completes 1 year of service.

(b) *Special rule for plan with 3 year-100 percent vesting.* A plan which provides that after not more than 3 years of service each participant's right to his accrued benefit under the plan is completely nonforfeitable (within the meaning of section 411 and the regulations thereunder) at the time such benefit accrues satisfies the requirements of paragraph (a) of this section if the period of service required by the plan as a condition of participation does not extend beyond the later of—

(1) *Age 25.* The date on which the employee attains the age of 25; or

(2) *Three years of service.* The date on which the employee completes 3 years of service.

(c) *Special rule for employees of certain educational institutions.* A plan maintained exclusively for employees of

an educational institution (as defined in section 170(b)(1)(A)(ii)) by an employer exempt from tax under section 501(a) which provides that after 1 year of service each participant's right to his accrued benefit under the plan is completely nonforfeitable (within the meaning of section 411 and the regulations thereunder) at the time such benefit accrues satisfies the requirements of paragraph (a) of this section if the period of service required by the plan as a condition of participation does not extend beyond the later of—

(1) *Age 30.* The date on which the employee attains the age of 30; or

(2) *One year of service.* The date on which the employee completes 1 year of service.

(d) *Other conditions.* Section 410(a), § 11.410(a)-4, and this section relate solely to age and service conditions and do not preclude a plan from establishing conditions, other than conditions relating to age or service, which must be satisfied by plan participants. For example, such provisions would not preclude a qualified plan from requiring, as a condition of participation, that an employee be employed within a specified job classification. See section 410(b) and the regulations thereunder for rules with respect to coverage of employees under qualified plans.

(e) *Age and service requirements—(1) General rule.* For purposes of applying the rules of this section, plan provisions may be treated as imposing age or service requirements even though such provisions do not specifically refer to age or service. Plan provisions which have the effect of requiring an age or service requirement with the employer or employers maintaining the plan will be treated as if they imposed an age or service requirement.

(2) *Examples.* The rules of this paragraph are illustrated by the following examples:

Example (1). Corporation A is divided into two divisions. In order to work in division 2 an employee must first have been employed in division 1 for 5 years. A plan provision which required division 2 employment for participation will be treated as a service requirement because such a provision has the effect of requiring 5 years of service.

Example (2). Plan B requires as a condition of participation that each employee have had a driver's license for 15 years or more. This provision will be treated as an age requirement because such a provision has the effect of requiring an employee to attain a specified age.

Example (3). A plan which requires 1 year of service as a condition of participation also excludes a part-time or seasonal employee if his customary employment is for not more than 20 hours per week or 5 months in any plan year. The plan does not qualify because the provision could result in the exclusion by reason of a minimum service requirement of an employee who has completed a year of service. The plan would not qualify even though after excluding all such employees, the plan satisfied the coverage requirements of section 410(b).

Example (4). Employer A establishes a plan which covers employees who have retired and which does not cover current employees. The

plan fails to satisfy the requirements of section 410(a) because the plan imposes a minimum age and service requirement in excess of that allowed by this section.

§ 11.410(a)-4 Maximum age conditions and time of participation.

(a) *Maximum age conditions—(1) General rule.* A plan is not a qualified plan (and a trust forming a part of such plan is not a qualified trust) if the plan excludes from participation (on the basis of age) an employee who has attained an age specified by the plan unless—

(i) The plan is a defined benefit plan or a target benefit plan, and

(ii) The employee begins employment with the employer after the employee has attained an age specified by the plan, which age is not more than 5 years before normal retirement age (within the meaning of section 411(a)(8) and § 11.411(a)-7).

For purposes of this paragraph a target benefit plan is a defined contribution plan under which the amount of employer contributions allocated to each participant is determined under a plan formula which does not allow employer discretion and on the basis of the amount necessary to provide a target benefit specified by the plan for such participant. Such target benefit must be the type of benefit which is provided by a defined benefit plan and the targeted benefit must not discriminate in favor of employees who are officers, shareholders, or highly compensated. For purposes of this paragraph, in the determination of the time an employee begins employment, any such time which is included in a period of service which may be disregarded under the break in service rules need not be taken into account.

(2) *Examples.* The rules provided by this paragraph are illustrated by the following examples:

Example (1). A defined benefit plan provides that an employee will become a participant upon completion of 3 years of service if at such time the employee is less than age 60. The normal retirement age under the plan is age 65. The plan also provides full and immediate vesting for each of the plan's participants. Under the plan, an employee hired at age 58 would be denied participation on account of service for the first 3 years and on account of maximum age for the remaining years even though the employee was hired more than 5 years prior to the normal retirement date. The plan therefore does not satisfy section 410(a)(2).

Example (2). A defined benefit plan provides a normal retirement age of the later of age 65 or completion of 10 years of service. Because no employee could ever be hired within 5 years of his normal retirement age, the plan could not exclude employees for being over a specified age.

Example (3). Prior to the effective date of section 410, a defined benefit plan with a normal retirement age of 65 contained a maximum age 55 requirement for participation. Because of the maximum age requirement, an employee hired at age 58 was excluded from the plan. This employee is age 61 at the time that section 410 first applies to the plan. The employee cannot be excluded from participation because of age. The exclusion under section 410(a)(2) is not applicable in this instance because the employ-

ee's age at the time of hire, 58, was not within 5 years of the normal retirement age specified in the plan.

Example (4). Employee A was hired at age 50 and participated in a defined benefit plan until separating from service at age 55 with 5 years of service and with no vested benefit. At age 61, employee A was rehired within 5 years of the normal retirement age of 65 after he incurred 6 consecutive breaks in service. Because A's consecutive number of 1-year breaks (6) exceeds his years of service prior to such breaks (5), his service before the breaks may be disregarded. Consequently, A's initial employment date falling within such period may be disregarded and the plan could exclude A on account of his age because his employment commenced within 5 years of normal retirement age.

(b) Time of participation—(1) General rule. A plan is not a qualified plan (and a trust forming a part of such plan is not a qualified trust) unless under the plan any employee who has satisfied the applicable minimum age and service requirements specified in § 11.410(a)-3, and who is otherwise entitled to participate in the plan, commences participation in the plan no later than the earlier of—

(i) The first day of the first plan year beginning after the date on which such employee first satisfied such requirements, or

(ii) The date 6 months after the date on which he first satisfied such requirements,

unless such employee was separated from service and has not returned before the date referred to in subdivision (i) or (ii), whichever is applicable. If an employee's prior service is disregarded on account of the plan's break-in-service rules then, for purposes of this subparagraph, such service is also disregarded for purposes of determining the date on which such employee first satisfied the minimum age and service requirements.

(2) Examples. The rules provided by this paragraph are illustrated by the following examples:

Example (1). A calendar year plan provides that an employee may enter the plan only on the first semi-annual entry date, January 1 or July 1, after he has satisfied the applicable minimum age and service requirements specified in section 410(a)(1). The plan satisfies the requirements of this paragraph because an employee is eligible to participate no later than the earlier of (1) the first day of the first plan year beginning after he satisfied the applicable minimum age and service requirements, or (2) the date 6 months after he satisfied such requirements.

Example (2). A plan provides that an employee is not eligible to participate until the first day of the first plan year beginning after he has satisfied the minimum age and service requirements of section 410(a)(1). In this case, an employee who satisfies the "6 month" rule described in subparagraph (1) of this paragraph will not be eligible to participate in the plan. Therefore, the plan does not satisfy the requirements of this paragraph.

Example (3). A calendar year plan provides that an employee may enter the plan only on the first semi-annual entry date, January 1 or July 1, after he has satisfied the applicable minimum age and service requirements specified in section 410(a)(1). Employee A

after 10 years of service separated from service in 1976 with a vested benefit. On February 1, 1980, A returns to employment covered by the plan. Assuming A completes a year of service after his return, A must participate immediately on his return, February 1. A's prior service cannot be disregarded, because he had a vested benefit when he separated from service. Therefore, the plan may not postpone his participation until July 1.

Example (4). Assume the same facts as in example (3). The plan has the break-in-service rule described in section 410(a)(5)(D) and § 11.410(a)-5(c)(4). Employee B, after he had 5 years of service but no vested benefit incurs 5 consecutive 1-year breaks. Because B's prior service can be disregarded, the plan may postpone B's participation in the plan under the rule described in section 410(a)(4) and this paragraph.

§ 11.410(a)-5 Year of service; break in service.

(a) Year of service. For the rules relating to years of service under subparagraphs (A), (C), and (D) of section 410(a)(3), see regulations prescribed by the Secretary of Labor under 29 CFR Part 2530, relating to minimum standards for employee pension benefit plans. Such rules which relate, respectively, to a general rule, hours of service, and maritime industries apply for purposes of section 410(a) and the regulations thereunder.

(b) Seasonal industries. [Reserved]

(c) Breaks in service—(1) General rule. This paragraph provides rules with respect to breaks in service under section 410(a)(5). Except as provided in subparagraphs (2), (3), (4), and (5) of this paragraph, all of an employee's years of service with the employer or employers maintaining a plan are taken into account in computing his period of service under the plan for purposes of section 410(a)(1) and § 11.410(a)-3.

(2) Employees under 3-year 100 percent vesting schedule—(1) General rule. In the case of an employee who incurs a 1-year break in service under a plan which provides that after not more than 3 years of service, each participant's right to his accrued benefit under the plan is completely nonforfeitable (within the meaning of section 411 and the regulations thereunder) at the time such benefit accrues, the employee's service before the break in service is not required to be taken into account after the break in service in determining the employee's years of service under section 410(a)(1) and § 11.410(a)-3 if such employee has not satisfied such service requirement.

(ii) Example. The rules of this subparagraph are illustrated by the following example:

Example. A qualified plan provides full and immediate vesting. The plan can not require as a condition of participation that an employee complete 3 consecutive years of service with the employer because the requirement as to consecutive years is not permitted under section 410(a)(5). However, such a plan can require 3 years without a break in service, i.e., 3 years with no intervening years in which the employee fails to complete more than 500 hours of service. Under a plan containing such a participation requirement, the following example illustrates when employees would become eligible to participate.

Year	Hours of service completed		
	Employee A	Employee B	Employee C
1.....	1,000	1,000	1,000
2.....	1,000	1,000	500
3.....	1,000	700	1,000
4.....	1,000	1,000	700
5.....	1,000	1,000	1,000
6.....	1,000	1,000	1,000

Employee A will have satisfied the plan's service requirement at the end of year 3, Employee B at the end of year 4, and Employee C at the end of year 6.

(3) One-year break in service—(i) In general. In computing the period of service of an employee who has incurred a 1-year break in service, for purposes of section 410(a)(1) and § 11.410(a)-3, a plan may disregard the employee's service before the break until the employee completes a year of service after such break in service.

(ii) Examples. The rules provided by this subparagraph are illustrated by the following examples:

Example (1). Employee A completes a year of service under a plan for the 12-month period ending December 31, 1980, and incurs a 1-year break in service for the 12-month period ending December 31, 1981. The plan does not contain the provisions permitted by section 410(a)(5)(B) (relating to 3-year 100 percent vesting) and section 410(a)(5)(D) (relating to non-vested participants). Thereafter, he does not complete a year of service. As of January 1, 1982, in computing his period of service under the plan his service prior to December 31, 1981, is not required to be taken into account for purposes of section 410(a)(1) and § 11.410(a)-3.

Example (2). The employee in example (1) completes a year of service for the 12-month period ending December 31, 1982. Prior to December 31, 1982, in computing the employee's period of service as of any date occurring in 1982, the employee's service before December 31, 1981, is not required to be taken into account for purposes of section 410(a)(1) and § 11.410(a)-3. Because the employee completed a year of service for the 12-month period ending December 31, 1982, however, his period of service is redetermined as of January 1, 1982. Upon completion of a year of service for 1982, the employee's period of service, determined as of any date occurring in 1982, includes service prior to December 31, 1981.

(4) Nonvested participants—(i) General rule. In the case of a participant in a plan who does not have any nonforfeitable right under the plan to his employer-derived accrued benefit and who incurs a 1-year break in service, for purposes of section 410(a)(1) and § 11.410(a)-3 the plan may disregard his years of service prior to such break if the number of his consecutive 1-year breaks in service equals or exceeds his aggregate number of years of service prior to such break. The plan may in computing such aggregate number of years of service prior to such break disregard any years of service which could have been disregarded under this subparagraph by reason of any prior break in service.

(ii) *Examples.* The rules of this subparagraph are illustrated by the following example:

Example. In 1980, A, who was hired at age 35, separates from the service of X Corporation after completing 4 years of service. At this time A had no vested benefits. In 1985, after incurring 5 consecutive one-year breaks in service, A was reemployed. Under section 410(a)(5)(D), A's 4 years of service may be disregarded because they are exceeded by the number of years of consecutive one-year breaks (5) after such service.

(c) *Special continuity rule for certain plans.* For special rules for computing years of service in the case of a plan maintained by more than one employer, see § 210 of 29 CFR Part 2530 (Department of Labor regulations relating to minimum standards for employee pension benefit plans).

§ 11.410(a)-6 Amendment of break in service rules; Transitional period.

(a) *In general.* Under section 1017(f) (1) of the Employee Retirement Income Security Act of 1974, a plan is not a qualified plan (and a trust forming a part of such plan is not a qualified trust) if the rules of the plan relating to breaks in service are amended, and—

(1) Such amendment is effective after January 1, 1974, and before the date on which section 410 becomes applicable to the plan, and

(2) Under such amendment, any employee's participation in the plan commences at any date later than the later of—

(i) The date on which his participation would commence under the break in service rules of section 410(a)(5), or

(ii) The earliest date on which his participation would commence under the plan as in effect on or after January 1, 1974.

(b) *Break in service rules.* For purposes of paragraph (a), the term "break in service rules" means the rules provided by a plan relating to circumstances under which a period of an employee's service or plan participation is disregarded for purposes of determining his rights to participate in the plan, if under such rules such service is disregarded by reason of the employee's failure to complete a required period of service within a specified period of time.

§ 11.410(b)-1 Minimum coverage requirements.

(a) *In general.* A plan is not a qualified plan (and a trust forming a part of such plan is not a qualified trust) unless the plan satisfies the requirements of section 410(b)(1). A plan satisfies the requirements of section 410(b)(1) if it satisfies the requirements of paragraph (b)(1) or (2) of this section. This section does not apply in the case of a plan which provides contributions or benefits for any individual who is an owner-employee (as defined in section 401(c)(3) and the regulations thereunder).

(b) *Coverage tests.*—(1) *Percentage test.* A plan satisfies the requirements of this subparagraph if it benefits—

(i) Seventy percent or more of all employees, or

(ii) Eighty percent or more of all employees who are eligible to benefit under the plan if 70 percent or more of all the employees are eligible to benefit under the plan,

excluding in each case employees who have not satisfied, as of the date coverage is tested, the minimum age and service requirements (if any) prescribed by the plan as a condition of participation and employees permitted to be excluded under paragraph (c) of this section. The percentage requirements of this subparagraph refer to a percentage of active employees, including employees temporarily on leave, such as those in the Armed Forces of the United States, if such employees are eligible under the plan.

(2) *Classification test.* A plan satisfies the requirements of section 410(b)(1) and this subparagraph if it benefits such employees as qualify under a classification of employees set up by the employer, which classification is found by the Internal Revenue Service not to be discriminatory in favor of employees who are officers, shareholders, or highly compensated. For purposes of this subparagraph, except as provided by paragraph (c) of this section, all active employees (including employees who do not satisfy the minimum age or service requirements of the plan) are taken into account.

(c) *Exclusion of certain employees.* Under section 410(b)(2), for purposes of section 410(b)(1) and paragraph (b) of this section, there shall be excluded from consideration employees described in subparagraphs (1), (2), and (3) of this paragraph.

(1) *Bargaining unit.* Under section 410(b)(2)(A) and this paragraph, there may be excluded from consideration employees not included in the plan who are included in a unit of employees covered by an agreement which the Secretary of Labor finds to be a collective bargaining agreement between employee representatives and one or more employers, if the Internal Revenue Service finds that retirement benefits were the subject of good faith bargaining between such employee representatives and such employer or employers. For purposes of determining whether such bargaining occurred, it is not material that such employees are not covered by another plan or that the plan was not considered in such bargaining.

(2) *Air pilots.* Under section 410(b)(2)(B) and this paragraph there may be excluded from consideration, in the case of a plan established or maintained pursuant to an agreement which the Secretary of Labor finds to be a collective bargaining agreement between air pilots represented in accordance with title II of the Railway Labor Act and one or more employers, all employees not covered by such agreement. Section 410(b)(2)(B) and this subparagraph do not apply to a plan if the plan provides con-

tributions or benefits for employees whose principal duties are not customarily performed aboard aircraft in flight.

(3) *Nonresident aliens.* Under section 410(b)(2)(C) and this paragraph, there may be excluded from consideration employees who are nonresident aliens and who receive no earned income (within the meaning of section 911(b) and the regulations thereunder) from the employer which constitutes income from sources within the United States (within the meaning of section 861(a)(3) and the regulations thereunder).

(d) *Special rules.*—(1) *Highly compensated.* The classification of an employee as highly compensated for purposes of section 410(b)(1)(B) and § 11.410(b)-1 (b)(2) is made on the basis of the facts and circumstances of each case, taking into account the level of the employee's compensation and the level of compensation paid by the employer to other employees, whether or not covered by the plan. Average compensation levels determined on a local, regional, or national basis, are not relevant for this purpose. Further, the classification of an employee as highly compensated is not made solely on the basis of the number or percentage of employees whose compensation exceeds, or is exceeded by, the employee's.

(2) *Discrimination.* The determination as to whether a plan discriminates in favor of employees who are officers, shareholders, or highly compensated, is made on the basis of the facts and circumstances of each case, allowing a reasonable difference between the percentage of such employees benefited by the plan to all employees benefited by the plan and the percentage of all such employees of the employer to all employees of the employer. A showing that a specified percentage of employees covered by a plan are not officers, shareholders, or highly compensated, without a showing that the difference (if any) between such percentage and the percentage of all employees who are not officers, shareholders, or highly compensated is reasonable, is not sufficient to establish that the plan does not discriminate in favor of employees who are officers, shareholders, or highly compensated.

(3) *Multiple plans.*—(i) An employer may designate two or more plans as constituting a single plan which is intended to qualify for purposes of section 410(b)(1) and this section, in which case all plans so designated shall be considered as a single plan in determining whether the requirements of such section are satisfied by each of the separate plans. A determination that the combination of plans so designated does not satisfy such requirements does not preclude a determination that one or more of such plans, considered separately, satisfies such requirements.

(ii) Notwithstanding subdivision (i) of this subparagraph, a plan which is subject to the limitations of section 401(a)(17) of the Code or section 301(d)(3) of

the Tax Reduction Act of 1975 cannot be considered with any other plan which covers any employee covered by such the plan.

(4) *Profit-sharing plans.* Employees under a profit-sharing plan who receive the amounts allocated to their accounts before the expiration of a period of time or the occurrence of a contingency specified in the plan shall not be considered covered by the plan. Thus, in case a plan permits employees to receive immediately the amounts allocated to their accounts, or to have such amounts paid to a profit-sharing plan for them, the employees who receive the shares immediately shall not be considered covered by the plan.

(5) *Certain classifications.* See section 401(a)(5) and the regulations thereunder for rules relating to classifications of employees which are not considered to be discriminatory per se for purposes of section 410(b)(1)(B) and § 11.410(b)-1(b)(2).

(6) *Integration with Social Security Act.* See section 401(a)(5) and the regulations thereunder for rules relating to integration of plans with the Social Security Act.

(7) *Different eligibility requirements.* A provision for different eligibility requirements for present and future employees is not, of itself, discriminatory within the purview of section 410(b)(1)(B). However, where employees who are officers, shareholders, or highly compensated cannot meet the eligibility requirements for new employees at the time the plan is established, the prohibited discrimination is likely to arise in operation when new employees are added to the employer's work force.

(8) *Certain controlled groups.* In applying the percentage test and classification test described in paragraph (b)(1) and (2) of this section for a year, all the employees of corporations or trades and businesses whose employees are treated as employed by a single employer by reason of section 414(b) or (c) must be taken into account. The preceding sentence shall apply for a plan year if, on 1 day in each quarter of such plan year, such corporations are members of a controlled group of corporations (within the meaning of section 414(b)) or such trades or businesses are under common control (within the meaning of section 414(c)).

(e) *Example.* The rules provided by this section are illustrated by the following example:

Example. An employer established a non-contributory defined benefit plan covering all employees of its ABC Division who are hired prior to age 60 and who are at least 25 years old. The normal retirement age under the plan is age 65. The employer has 100 employees including 20 employees who are under age 25 and 10 employees who were hired over age 60. The plan does not cover 15 employees who are over age 25 and were hired before age 60 because they are not in the ABC Division. Of these 15 excluded employees, 3 have less than 1 year of service. In addition, 12 of the 55 employees covered have less than one year of service. The plan

can be shown not to satisfy the requirements of section 410(b)(1)(A) as follows:

- (i) Number of Employees, 100.
- (ii) Number of employees excluded on account of minimum age and service, 20.
- (iii) (i)-(ii), 80.
- (iv) Number of employees who must be covered if plan is to satisfy section 410(b)(1)(A), 70% of (iii), 56.
- (v) Number of employees actually covered, 55.

Because the number of employees covered is less than the number of employees who must be covered, the plan does not satisfy the percentage coverage requirements of section 410(b)(1)(A).

§ 11.410(d)-1 Election by church to have participation, vesting, funding, etc. provisions apply.

(a) *In general.* If a church or convention or association of churches which maintains any church plan, as defined in section 414(e), makes an election under this section, certain provisions of the Code and Title I of the Employee Retirement Income Security Act of 1974 (the "Act") shall apply to such church plan as if such plan were not a church plan. The provisions of the Code referred to are section 410 (relating to minimum participation standards), section 411 (relating to minimum vesting standards), section 412 (relating to minimum funding standards), section 4975 (relating to prohibited transactions), and paragraphs (11) (12), (13), (14), (15), and (19) of section 401(a) (relating to joint and survivor annuities, mergers and consolidations, assignment or alienation of benefits, time of benefit commencement, certain social security increases, and withdrawals of employee contributions, respectively).

(b) *Election is irrevocable.* An election under this section with respect to any church plan shall be binding with respect to such plan and, once made, shall be irrevocable.

(c) *Procedure for making election—*
(1) *Time of election.* An election under this section may be made for plan years for which the provisions of section 410 (d) of the Code apply to the church plan. By reason of section 1017(b) of the Act section 410(d) does not apply to a plan in existence on January 1, 1974, for plan years beginning before January 1, 1976, section 1017(d) of the Act permits a plan administrator to elect to have certain provisions of the Code (including section 410(d)) apply to a plan before the otherwise applicable effective dates of such provisions. See § 11.410(a)-2(d). Therefore, for a plan in existence on January 1, 1974, an election under section 410(d) of the Code may be made for a plan year beginning before January 1, 1976, only if an election has been made under section 1017(d) of the Act with respect to that plan year.

(2) *By whom election is to be made.* The election provided by this section may be made only by the plan administrator of the church plan.

(3) *Manner of making election.* The plan administrator may elect to have the

provisions of the Code described in paragraph (a) of this section apply to the church plan as if it were not a church plan by attaching the statement described in subparagraph (5) of this paragraph to either (i) the annual return required under section 6058(a) (or an amended return) with respect to the plan which is filed for the first plan year for which the election is effective or (ii) a written request for a determination letter relating to the qualification of the plan under section 401(a), 403(a), or 405(a) of the Code and, if trusted, the exempt status under section 501(a) of the Code of a trust constituting a part of the plan.

(4) *Conditional election.* If an election is made with a written request for a determination letter, the election may be conditioned upon issuance of a favorable determination letter and will become irrevocable upon issuance of such letter.

(5) *Statement.* The statement described in subparagraph (3) of this paragraph shall indicate (i) that the election is made under section 410(d) of the Code and (ii) the first plan year for which it is effective.

Because of the need for immediate guidance with respect to the provisions contained in this Treasury decision, it is found impracticable to issue it with notice and public procedure thereon under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(Secs. 410, 7805, Internal Revenue Code of 1954 (88 Stat. 898, 68A Stat. 917; 26 U.S.C. 410, 7805))

[SEAL] DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: September 29, 1975.

CHARLES M. WALKER,
Assistant Secretary of the
Treasury.

[FR Doc. 75-26549 Filed 9-30-75; 5:05 pm]

Title 40—Protection of Environment CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 418-5]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Maintenance of National Ambient Air Quality Standards

Correction

In FR Doc. 75-23822 appearing on page 41942 in the issue for Tuesday, September 9, 1975 the following changes should be made:

In § 52.1688(a)(10)(ii), references to "Orange County" and "Putnam County" should be placed separately above the reference to "Ulster County".

Section 52.2449(a)(1), now reading "Hampton-Newport News Quality Maintenance Area.", should read "Hampton-Newport News Air Quality Maintenance Area."

SUBCHAPTER C—AIR PROGRAMS

[FRL 437-8]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Georgia: Approval of Plan Revisions

On July 9, 1975 (40 FR 28815), the Agency announced as proposed rulemaking a number of implementation plan changes which the State of Georgia had adopted after notice and public hearing. Copies of the materials submitted by Georgia were made available for public inspection, and written comments on the proposed plan revisions were solicited. No comments were received, however. The purpose of the present notice is to announce the Administrator's approval of these revisions. An evaluation of them may be obtained by consulting personnel of the Agency's Region IV Air Programs Branch, 1421 Peachtree Street NE., Atlanta, Georgia 30309, telephone 404/526-3043.

The first of these revisions was a Permit to Operate issued to the Georgia Power Company's Plant Atkinson in Cobb County and submitted to the Agency as a plan revision on May 22, 1975. If permitted to emit sulfur dioxide at the maximum rate allowable under Georgia regulation 391-3-1-.02(2)(g)3, this source might cause contravention of the national ambient standards for this pollutant. Therefore, the permit sets conditions affecting SO₂ limitations which are more stringent than those prescribed by the State's regulations and which are sufficiently restrictive to assure attainment and maintenance of the national ambient air quality standards for SO₂. Under the terms of the permit issued for Units 1-4 of Plant Atkinson, Georgia Power Company is required to burn number 2 fuel oil with a heating value of no less than 140,000 Btu per gallon and a sulfur content of no more than 0.2% by weight. Also, miscellaneous reporting requirements are to be satisfied with respect to the operating parameters of these four units. The Administrator has determined that the conditions set forth in this permit are needed to assure attainment and maintenance of the national ambient air quality standards in Georgia, and so it is hereby approved as a plan revision.

(In the Agency's proposal notice of July 9, 1975 (40 FR 28815), mention was made of a second source for which special and more restrictive permit conditions were needed. Additional analysis performed since that date has revealed, however, that such conditions need not be imposed on this second source in order to assure attainment and maintenance of standards.)

On June 30, 1975, the State of Georgia submitted additional plan revisions for the Agency's approval. The first involves the deletion from the Georgia air pollution control regulations of subpart 391-3-1-.02(2)(m), which, for certain sources, sets particulate emission limits which vary according to stack height. The Administrator has determined that national ambient particulate standards can be attained without the application of this subpart. Accordingly, this deletion is approved.

Also deleted were two sentences in the regulations dealing with permits, that is, in sections 391-3-1-.03(2)(e) and 391-3-1-.03(3). The Administration on March 27, 1975 (40 FR 13408), had disapproved portions of these two sentences since they could be construed as permitting deferral of compliance with emission limitations of the Georgia plan beyond the attainment dates set in the Clean Air Act. Accordingly, the Administrator hereby approves their deletion and simultaneously revokes his disapproval of them at 40 CFR 52.582.

These actions are effective (30 days from date of publication).

(Sec. 110(a) of the Clean Air Act (42 U.S.C. 1857-c-5(a)))

Dated: September 23, 1975.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart L—Georgia

§ 52.570 [Amended]

1. Section 52.570(c)(4) is amended by inserting in proper chronological order the dates May 22 and June 30, 1975.

§ 52.582 [Revoked]

2. Section 52.582 is revoked.

[FR Doc. 75-26426 Filed 10-2-75; 8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 14—DEPARTMENT OF THE INTERIOR

PART 14-55—PROCUREMENT OF SERVICES

Contracts for Management Studies or Services

Correction

In FR Doc. 75-22589 appearing at page 37209 in the issue for Tuesday, August 26, 1975, in the fourth line of § 14-55.204(a), delete the comma between "advance" and "review"; and in the second line of § 14-55.204(b)(5), "defined" should read "defined".

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 220—SERVICE PROGRAMS FOR FAMILIES AND CHILDREN—TITLE IV, PARTS A AND B OF THE SOCIAL SECURITY ACT

PART 221—SERVICE PROGRAMS FOR FAMILIES AND CHILDREN AND FOR AGED, BLIND, OR DISABLED INDIVIDUALS: TITLE I, IV (PARTS A AND B), X, XIV, AND XVI OF THE SOCIAL SECURITY ACT

PART 222—SERVICE PROGRAMS FOR AGED, BLIND, OR DISABLED PERSONS: TITLES I, VI, X, XIV, AND XVI OF THE SOCIAL SECURITY ACT

PART 224—WORK INCENTIVE PROGRAMS FOR AFDC RECIPIENTS UNDER TITLE IV OF THE SOCIAL SECURITY ACT

PART 226—PURCHASE OF SERVICES UNDER PUBLIC ASSISTANCE PROGRAMS

PART 228—SOCIAL SERVICES PROGRAMS FOR INDIVIDUALS AND FAMILIES: TITLE XX OF THE SOCIAL SECURITY ACT

Revocation and Reduced Applicability

Regulations for the social services programs under public assistance titles of the Social Security Act (45 CFR Part 221) were published October 31, 1973 (38 FR 30072) to be effective November 1, 1973. The effective date was postponed by P.L. 92-233 to January 1, 1975, and P.L. 93-647 extended the moratorium on any new service regulation to October 1, 1975. P.L. 93-647 also established a new title XX of the Act for social services programs in the 50 States and the District of Columbia. Final regulations for title XX were published June 27, 1975 (40 FR 27352) under 45 CFR Part 228, effective October 1, 1975.

For the 50 States and the District of Columbia, the regulations under 45 CFR Part 228 completely supersede those under 45 CFR Parts 222, and 226. They also supersede 45 CFR Part 220 except those portions applicable to child welfare services under Part IV-B of the Act.

For all jurisdictions, those portions of 45 CFR Part 220 pertaining to the Work Incentive (WIN) program are superseded by regulations under 45 CFR Part 224.

Because of the enactment of P.L. 93-647 and the issuance of new regulations for title XX, 45 CFR Part 221 would become effective on October 1, 1975 only for Puerto Rico, the Virgin Islands and Guam. Since Part 221 has never been implemented, it would be necessary for the Department to develop a whole new body of explanatory and interpretive material for guidance to the three jurisdictions and the corresponding H.E.W. Regional offices. Such an effort at this time would divert staff resources from the high priority of initiating the new title XX program in the 50 States and the District of Columbia. Thus, operationally, it is more

efficient for Puerto Rico, the Virgin Islands, and Guam to continue under 45 CFR Parts 220, 222, and 226.

The purpose of these regulations is to clarify the applicability of the several regulations pertaining to social services. The basis for the regulation is the statutory changes discussed above.

Since 45 CFR Part 221 was never implemented, its revocation has no effect either on State agencies or on applicants for or recipients of services. Accordingly, Notice of proposed rulemaking procedure has been waived. Nevertheless, consideration will be given to any written comments, suggestions, or objections received by the Administrator, Social and Rehabilitation Service, Post Office Box 2366, Washington, D.C. 20013, on or before November 3, 1975.

Accordingly:

1. 45 CFR Part 221 is hereby revoked.
2. 45 CFR Parts 220, 222, and 226 remain in effect for Puerto Rico, the Virgin Islands and Guam, for the operation of services programs under titles I, IV-A, IV-B, X, XIV and XVI (AABD).

3. 45 CFR Part 220, as relevant to child welfare services under Part B of title IV, remains effective also for the 50 States and the District of Columbia.

4. 45 CFR Part 220, as it pertains to the Work Incentive (WIN) Program is superseded, for all jurisdictions, by 45 CFR Part 224, published September 18, 1975 (45 CFR 43181).

5. 45 CFR Part 228 supersedes 45 CFR Part 220 (except as noted in item 3 of these regulations), 222 and 226 for the 50 States and the District of Columbia, effective October 1, 1975.

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1303))

Effective Date: Except as otherwise indicated, these regulations shall be effective on October 3, 1975.

(Catalog of Federal Domestic Assistance Program No. 13.754, Public Assistance Program No. 13.754, Public Assistance—Social Services)

Dated: September 23, 1975.

JOHN C. YOUNG,
Acting Administrator,
Social and Rehabilitation Service.

Approved: September 30, 1975.

DAVID MATHEWS,
Secretary.

[FR Doc.75-26588 Filed 10-2-75; 8:45 am]

PART 228—SOCIAL SERVICES PROGRAMS FOR INDIVIDUALS AND FAMILIES: TITLE XX OF THE SOCIAL SECURITY ACT

Determination of Eligibility for Services and Individual Recipient Basic Data File

Section 228.61 is revised to increase the length of time during which services may be delivered prior to the actual date of eligibility determination; to provide a longer period of time for State title XX operating agencies to determine whether persons who were receiving services on September 30, 1975 under title IV-A or VI, the predecessor programs to title XX,

are eligible to receive services under title XX; to reduce the frequency with which determinations of eligibility for services are required; and to permit for a limited period after October 1, 1975 the participation of additional persons on a group eligibility basis in services which were extant in the State under title IV-A or VI and which had been subject to group eligibility under those titles.

Section 228.63 is revised to clarify the nature of the individual recipient basic data file and to set a phase-in schedule for establishing the file.

Section 228.70 is revised to permit the States to phase in existing purchase of services contracts under title IV-A and VI for services continued under their title XX services plan, to meet the contract-writing requirements under title XX.

The final regulations, published on June 27, 1975 (40 FR 27352), provide a period of 3 months for phasing in of recipients of services under title IV-A or VI, and require determination of eligibility every 3 months. They also require, as a condition for Federal financial participation, that eligibility be determined within 10 days for those persons provided services prior to the actual date of determination of eligibility.

Since publication of the regulations in June, there has been continuous deliberation regarding the operational feasibility of these time frames.

The basis for the amendments is the Department's belief that as much flexibility as possible is necessary to implement a new program. The purposes of the amendments to Section 228.61 are to ease transitional problems for the States and service recipients regarding determination of eligibility for services, and to provide a period of time in which study can be made of the eligibility factor in relation to certain services. The purpose of the amendment to Section 228.63 is to give States until May 15, 1976 to fully implement establishment of a new statistical file on service recipients. The purpose of the amendment to Section 228.70 is to give States time to phase in existing contracts to make them meet the requirements for purchase of services contracts under title XX.

Proposed rulemaking procedures have been dispensed with because the first program year for the 50 States and the District of Columbia under title XX begins October 1, 1975 and the revised regulations have immediate operational impact. Moreover, the amendments to these three sections impose no new requirements and are manifestly advantageous to the title XX State operating agencies and to the persons who could be provided services under title XX. However, consideration will be given to any comments, suggestions or objections received on or before November 3, 1975. They should be addressed to the Acting Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, P.O. Box 2366, Washington, D.C. 20013.

Such comments will be available for public inspection in Room 5225 of the

Department's offices at 330 C Street, S.W., Washington, D.C. beginning approximately two weeks after publication in the FEDERAL REGISTER, Monday through Friday of each week from 8:30 a.m. to 5:30 p.m. (202/245-0950).

Accordingly, the regulations are modified as set forth below:

Chapter II, Title 45 of the Code of Federal Regulations is revised to read as follows:

1. Section 228.61 (b), (c) and (e) (3) are revised to read as follow:

§ 228.61 Determination of eligibility.

(b) No FFP is available for the provision of services to the individual prior to the actual date of determination unless the determination of eligibility is made within 30 days of the date of application and the individual is determined to have been eligible when services were initiated.

(c) **Eligibility phase-in (IV-A and VI).** Recipients of services under titles IV-A and VI on September 30, 1975 may continue to receive those services, if they are identified in the title XX services plan, until eligibility is determined, but in no event later than March 31, 1976. Individuals who meet the conditions which had been established for group eligibility under title IV-A or VI may begin participation after September 30, 1975 in a service provided in a facility on a group basis if:

(1) The individuals live in the geographic location where the facility was delivering the service on a group eligibility basis as of July 1, 1975 as approved under title IV-A or VI, and

(2) The same service is contained in the State's title XX plan.

Such individuals may receive the service on the basis of group eligibility but only in such a facility in such a geographic location until their individual eligibility is determined, or until March 31, 1976, whichever is earlier.

(e) **When redetermination shall be made.**

Redetermination of eligibility shall be made:

(1) When required on the basis of information the agency has obtained about anticipated changes in the individual's situation;

(2) Promptly, not to exceed 30 days, after information is obtained about changes which have occurred in the individual's circumstances that may make him ineligible; and

(3) Periodically, but not less frequently than every 6 months.

2. Section 228.63 is revised to read as follows:

§ 228.63 Individual recipient basic data file.

FFP is available for a service provided to an individual only if the State agency maintains a basic statistical data file on each individual service recipient which contains the following information about

the recipient; identifying information; basis for eligibility; services provided; goal to which each service is directed; and provider agency for each service. The basic statistical data file shall be maintained by the State agency whether or not it delegates eligibility determination to providers. This file may be maintained at either a central or local location so long as the State agency maintains direct supervision and administrative control and the data are readily accessible, available, and retrievable. The file may be either a manual or an automated one. In order to phase in this requirement, however, the basic statistical data file is not required to be fully established for service recipients until 45 days after the end of the second quarter in the first program year. Maintenance of such a file is required pursuant to section 228.17. The use of information in this file is governed by section 205.50.

3. Section 228.70 is revised to read as follows:

§ 228.70 Written contract.

(a) FFP is available when services are purchased by the State agency from an agency, individual, or organization other than the State agency only when the State agency executes a written contract in accordance with requirements under this Part and 45 CFR Part 74 with the agency, individual, or organization from which services are purchased. Contracts or agreements with public or private agencies or individuals made pursuant to 45 CFR Parts 220, 222 and 226 for services which are continued under the State's title XX services plan shall be deemed to conform to these requirements until March 31, 1976. The contract shall:

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302))

Effective Date: These amendments shall be effective October 1, 1975.

(Catalog of Federal Domestic Assistance Program No. 13.754, Public Assistance-Social Services.)

Dated: September 19, 1975.

JOHN C. YOUNG,
Acting Administrator, Social
and Rehabilitation Service.

Approved: September 30, 1975.

DAVID MATHEWS,
Secretary.

[FR Doc. 75-26536 Filed 10-2-75; 8:45 am]

**CHAPTER X—COMMUNITY SERVICES
ADMINISTRATION**

**PART 1005—INSPECTION AND COPYING
OF RECORDS: RULES FOR COMPLIANCE
WITH THE FREEDOM OF INFORMATION ACT**

Final Regulations

On February 24, 1975, the Community Services Administration published interim regulations to effectuate the Freedom of Information Act amendments of 1974, pending the receipt of comments and the issuance of final regulations. Two comments were received: the first con-

cerned the desirability of protecting grantee business ventures from public disclosure of confidential data submitted to CSA. This concern is answered by the insertion of the phrase "to protect trade secrets and confidential commercial and financial data obtained from its grantees" in § 1005.6(b).

The second comment received criticized several of the administrative requirements contained in these regulations. These requirements are imposed in conformity with the provisions of 5 U.S.C. 552(a)(3) requiring agencies to make records promptly available in response to any request "... which is made in accordance with published rules stating the time, place, fees (if any), and procedures to be followed, ..."

The rules adopted by CSA are necessary for the smooth functioning of the administrative system which CSA has set up to ensure the processing of FOIA requests within the deadlines established by the Act, as amended, and have been effective in attaining this purpose. They have met with no objections on the part of requesters actually using the system. Therefore, they are being retained with only minor modifications and clarifications.

Experience with the administration of the FOIA system has revealed various minor omissions in these rules and has suggested numerous minor modifications, clarifications and amplifications thereof which are contained in these regulations. Thus all the sections of this part except the first three have been subject to at least one change. In view of the number and pervasiveness of these changes, CSA is republishing these FOIA regulations *in toto* in their final form rather than noting particular changes.

Sec.	Purpose.
1005.1	Policy.
1005.2	Definition of terms used in this part.
1005.3	Location and use of CSA records.
1005.4	Procedures to be followed by requester.
1005.5	Statutory exemptions.
1005.6	Records of other agencies.
1005.7	Fees.
1005.8	Officials authorized to grant or deny requests for records or copies of records.
1005.9	Responses to requests.
1005.10	Administrative review of denials.
1005.11	

AUTHORITY: 5 U.S.C. 552, Freedom of Information Act.

§ 1005.1 Purpose.

The purpose of this part is to prescribe rules for the inspection and copying of opinions, policy statements, staff manuals, instructions and other records of the Community Services Administration pursuant to the Freedom of Information Act (5 U.S.C. 552), as amended.

§ 1005.2 Policy.

It is the policy of the Community Services Administration pursuant to section 635 of the Community Services Act of 1974 (42 U.S.C. 2977) and the Freedom of Information Act, as amended (5 U.S.C. 552) to encourage the widest possible dissemination of information concerning pro-

grams administered by the Community Services Administration under the Community Services Act.

§ 1005.3 Definition of terms used in this part.

(a) "CSA"—the Community Services Administration.

(b) "Records"—includes books, papers, maps, photographs, or other documentary materials, regardless of physical form, made or received by CSA in connection with the transaction of public business and preserved as evidence of governmental organizations, functions, policies, decisions, procedures, operations, or other activities, or because of the informational value of data contained therein, but does not include books, magazines or other materials acquired solely for library purposes and available through any officially designated library of CSA and does not include analyses, computer programs, computations, or compilations of information not extant at the time of the request.

(c) "Request"—a letter or other written communication seeking records under the Freedom of Information Act.

(d) "Person"—includes a corporation or organization as well as an individual.

§ 1005.4 Location and use of CSA records.

(a) **Central records room—CSA Headquarters.** The Community Services Administration maintains a central records room at its headquarters, 1200-19th Street NW., Room 213, Washington, D.C. 20506 which is under the supervision of the FOIA Records Officer and is open during regular business hours of CSA for the convenience of members of the public in inspecting or copying materials and records.

(b) **CSA Regional Offices.** (1) CSA has ten Regional Offices. Although it may not always be feasible to set aside records rooms in Regional Offices for the exclusive or primary use of the public, every reasonable effort will be made to accommodate members of the public who wish to use regional office facilities for the purpose of inspecting and copying records. The records officer of each Regional Office is designated to receive and handle requests submitted pursuant to this part.

(2) CSA regional offices are in the following locations and cover CSA activities in the state indicated:

Region I (Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island). J. F. Kennedy Federal Buildings, Boston, Massachusetts 02203.

Region II (New York, New Jersey, Puerto Rico, and the Virgin Islands). 28 Federal Plaza, 32nd Floor, New York, N.Y. 1007.

Region III (Pennsylvania, Delaware, Maryland, West Virginia, and Virginia). 3535 Market Street, Philadelphia, Pennsylvania 19104.

Region IV (North Carolina, Tennessee, Kentucky, South Carolina, Georgia, Alabama, Mississippi, and Florida). 730 Peachtree Street NE, Atlanta, Georgia 30308.

Region V (Minnesota, Wisconsin, Michigan, Illinois, Indiana, and Ohio). 300 South Wacker Drive, 24th Floor, Chicago, Ill. 60605.

Region VI (New Mexico, Oklahoma, Arkansas, Texas, and Louisiana), 1200 Main Street, Dallas, Texas 75202.

Region VII (Nebraska, Iowa, Kansas, and Missouri) 911 Walnut Street, Kansas City, Mo. 64106.

Region VIII (Montana, North Dakota, South Dakota, Wyoming, Utah, and Colorado), Federal Building, 1961 Stout Street, Denver, Colorado 80202.

Region IX (California, Nevada, Arizona, Hawaii, Guam, and Pacific Trust Territories), 100 McAllister Street, San Francisco, California 94102.

Region X (Alaska, Washington, Oregon, and Idaho), Arcade Plaza Building, 1321 Second Avenue, Seattle, Washington 98101.

(c) *Federal outlays reports.* CSA is the official agency for the collection and computerized publication of Federal Outlays Reports covering each of the 50 States, the District of Columbia, Territories, and other area volumes, and a summary volume. These volumes provide data on all domestic Federal expenditures—where the dollars are spent, and for what purposes. At the national and state levels, the outlays are summarized by agency, program and budget functions. At the county level they are detailed by program, activity and appropriation. The reports are selectively distributed to a large number of governmental officials and organizations at Federal, state and local levels. Additional copies may be available upon request, as long as supplies last, for members of Congress, Federal agencies and state and local officials. Requests from private firms and individuals are referred to the National Technical Information Service (NTIS), which furnishes copies at reasonable costs under charges determined by NTIS. Upon request, existing computer reports in the form of magnetic tape copies are furnished without charge to members of Congress and state and local officials, to be utilized by computer personnel for special analyses. Requests for tape versions of the outlays from private firms and individuals are referred to the National Archives Record Service. NARS has been furnished complete computer files for each of the past fiscal years' reports.

(d) *Use of records rooms.* (1) Any person who wishes to inspect or copy opinions, interpretations, staff manuals, or other materials regularly maintained in a records room may secure access to those materials by presenting himself at one of the addresses indicated during business hours. No advance notice or appointment is required, although persons wishing to make extended use of regional office facilities should take account of the possible limitations in these facilities as described in paragraph (b) of this section.

(2) The records rooms are also available to any person to inspect and copy records which are not regularly maintained in the records room. To obtain this type of record, a person should present his request identifying the record to the records officer. It will often be impossible, however, to produce these records, or copies of them on very short no-

tice. Accordingly, a member of the public who wishes to use records room facilities to inspect or copy such records is advised to arrange a time in advance, by phone or letter, addressing the request to the records officer of the facility he desires to use. Persons seeking records by phone will be advised by the records officer or his designee whether a written request would be advisable to aid in the identification and expeditious handling of the records sought. Persons making such requests should address them to the "Records Officer" of either the Headquarters address or one of the regional office addresses listed in paragraph (a) and (b) of this section and should identify the records sought in the manner provided in § 1005.5 of this part. They should also indicate whether there is any specific date on which they would like to use the records room facilities. The records officer will advise the requester as promptly as possible but in any event within ten working days, whether the records sought will be available on the date requested. If access to the records sought is denied, the denial shall be communicated to the requester as set forth in § 1005.10.

(e) *Indexes.* The Freedom of Information Act Amendments of 1974, Pub. L. 93-502, added a requirement to subsection (a)(2) of the Act, 5 U.S.C. 552, specifying periodic publication and maintenance of indexes. Indexes of CSA instructions and regulations pertaining to grantee administrative, financial and programmatic operations have been published for some years, and will continue to be updated and published as required. They will be provided upon request, subject to stock availability and reasonableness of quantity requested, without cost. However, the Community Services Administration has determined that quarterly, or more frequent, publication of indexes of opinions, policy statements, staff manuals and instructions other than those just mentioned, and other records, is unnecessary and impracticable. Such indexes shall be maintained available for public inspection and copying in accordance with § 1005.4 (a), (b) and (d) of this part.

§ 1005.5 Procedures to be followed by requester.

(a) *Form of requests.* A request need not be in any particular format except that it:

- (1) Must be in writing;
- (2) Must describe the records sought with sufficient specificity to permit identification;
- (3) Should be clearly identified both on the envelope (if any) and in the text as a Freedom of Information or FOIA request;
- (4) Should be addressed to:

FOIA Records Officer, Office of Administration, Community Services Administration, 1200 19th Street NW, Washington, D.C. 20506.

or the Records Officer in the appropriate region.

(5) Should include the name, address and (optional) phone number of the requester; and

(6) Should specify willingness to pay fees, if any (see § 1005.8(b)).

(b) Among the kinds of information which a person seeking a record should try to provide in order to permit identification of a record are the following:

(1) The specific event or action, if any or if known to which the record refers;

(2) The unit or program of CSA which may be responsible for or may have produced the record, such as Community Action Programs, or the Economic Development Program;

(3) The date of the record or the date or period to which it refers or relates, if known;

(4) The type of record, such as an application, a contract, or a grant, or a report;

(5) Personnel of CSA who may have prepared or have knowledge of the record;

(6) Citations to newspapers or publications which are known to have referred to the record.

(c) Records relating to any local community action program will generally be located in the regional office serving the State in which the program is being operated; records relating to the Economic Development program will be located at the Headquarters office. If the person making the request is uncertain whether the record is located in a particular office, he should write to the FOIA Records Officer in the Headquarters Office. The request should identify the records of which copies are sought as provided in paragraph (a) of this section.

(d) *Results of failure to follow procedures.* The result of any failure to follow the procedures set out above may be to prevent or delay the processing of a request. In particular:

(1) A request not submitted in writing is not a request under the Freedom of Information Act and the provisions of the Act including the 10 day time limit for response thereunder will not be deemed applicable to such a request.

(2) If a request is submitted without information adequate to enable identification, the CSA FOIA Records Officer shall notify the requester of the need for additional information as soon as possible, but in any event within ten working days of its receipt. Every reasonable effort shall be made to assist the requester in the identification of the record requested. If the requester is able to supply sufficient additional information to permit identification of the record requested, the time limits for CSA response stated in § 1005.10 shall apply from the date of receipt of this additional information.

(3) The receipt by the proper office of a request not properly identified and/or addressed may be delayed. In such cases the date of receipt of the request for the purposes of computing the time limit for response under § 1005.10 will be deemed to be the date of receipt by the proper office. In its response to such a

request, CSA will notify the requester of the date of receipt by said office and the cause of delay in receipt.

§ 1005.6 Statutory exemptions.

(a) The provisions of 5 U.S.C. 552(b) exempt from the requirements of disclosure under the Act matters which are:

(1) (i) Specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (ii) are in fact properly classified pursuant to such Executive order;

(2) Related solely to the internal personnel rules and practices of an agency;

(3) Specifically exempted from disclosure by statute;

(4) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) Inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(6) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) Investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would (i) interfere with enforcement proceedings, (ii) deprive a person of a right to a fair trial or an impartial adjudication, (iii) constitute an unwarranted invasion of personal privacy, (iv) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (v) disclose investigative techniques and procedures, or (vi) endanger the life or physical safety of law enforcement personnel;

(8) Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(9) Geological and geophysical information and data, including maps, concerning wells.

(b) Of the various exemptions set forth in § 1005.6(a) of this part those considered most likely to be applicable to records of CSA are listed in § 1005.6(a) (2), (4), (5), (6), and (7). These generally pertain to: records setting forth such internal personnel rules and practices as instructions to staff on inspection or contract negotiation tactics; records, including records of commercial and financial data, which contain information which is subject to some established or generally recognized privilege or is otherwise confidential because of the circumstance under which it was acquired; records in the form of communications by which officials or staff of CSA or another agency undertake to advise one

another of their views on proposed official actions; records concerning the personal or family affairs of employees, prospective employees, or participants in programs which CSA assists or is responsible for; and records, including inspection reports, which CSA compiles and maintains for use in connection with pending or prospective enforcement proceedings. CSA will invoke these exceptions as sparingly as possible, consistent with its obligation to administer the laws for which it is responsible fairly and effectively, and its obligation to protect trade secrets and confidential commercial and financial data obtained from its grantees and to assure that the governmental powers and facilities available to it for collecting and maintaining information relating to the private needs, problems or affairs of the families and individuals are not used for other than their intended official purpose. Furthermore, 5 U.S.C. 552(b) has been amended by Pub. L. 93-502 to provide: "Any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt under this subsection."

(c) Whenever any final opinion, order, or other materials to be made available relates to a private party or parties and the release of the name or names and of other identifying details will constitute a clearly unwarranted invasion of personal privacy, the record shall be made available with such identifying details left blank, or made available with obviously fictitious substitutes and with a notification such as the following as a preamble:

Names of parties and certain other identifying details have been removed (and fictitious names substituted) in order to prevent a clearly unwarranted invasion of the personal privacy of the individuals involved.

Documents or records determined to be exempt from disclosure hereunder may nonetheless be provided upon request in the event it is determined that the provision of such document would not violate the public interest or the right of any person to whom such information might pertain, and that disclosure is not prohibited by law or Executive Order.

§ 1005.7 Records of other agencies.

In any case where a request is determined to relate to records which are of paramount concern to another agency, the CSA will forward the request to that agency. The person making the request will be promptly notified of this action. For purposes of this section, records produced by or for another agency which pertain to program powers exercised by it under delegation or agreement from CSA will, subject to any interagency understanding covering specific records or classes of records, be treated as of paramount concern to that other agency.

§ 1005.8 Fees.

(a) *Waiver of fees.* To the extent practicable, the policy noted in § 1005.2

will be applied under this part so as to permit requests for inspection or copies of records to be met without cost or at reduced cost to the requester. When the information disclosed primarily benefits the general public, in the judgment of CSA, it will be furnished without cost or at a reduced fee in accordance with 5 U.S.C. 552(a) (4) (A). At least some fees will be charged, however, in the case of requests which involve a burden on staff or facilities significantly in excess of that normally accepted by CSA in handling routine requests for information. In determining what fee will be charged, CSA will consider only direct costs of identifying, locating, and copying records. CSA will not charge any fees for normal search for records not found. If extraordinary efforts to find records are to be made, CSA will first consult with the requester. CSA will not charge requester for records denied under § 1005.10. CSA will not charge requester for the costs of segregating portions of documents partially denied to requester.

(b) *Agreement to pay fees.* (1) A request should state that the requester will promptly pay applicable fees. In his request, the requester may either:

(i) Agree to pay all fees up to a specified limit; or

(ii) Indicate that he wishes to be advised of the estimated fees.

(2) If the requester elects alternative paragraph (b) (1) (ii) of this section or if he places a limit on the fees which is less than their estimated amount, the notice whether the request is granted or denied will be furnished as provided for under § 1005.10 and § 1005.11. But no records will be furnished to the requester until he has been notified of their estimated cost and has agreed to pay it, except that if the estimated cost is ten dollars or less and requester has not specifically set a limit of less than that amount, the records will be sent to him without awaiting his agreement to pay the fee. Estimates of fees will be sent to him without awaiting his agreement to pay the fee. Estimates of fees will be communicated to the requester as soon as possible, but in any event within ten working days of the receipt of the request, so that the furnishing of requested information is not unnecessarily delayed. If the requester is unwilling to pay the estimated cost, he may reduce the volume of copies requested so as to reduce the fee to an amount he is willing to pay.

(c) If an estimate is provided under this section, the request for the record shall not be deemed to have been received until the requester agrees to bear the estimated cost or, if an advance deposit is requested, provides such a deposit.

(d) *Payment of fees in advance.* (1) Under some circumstances payment of fees in advance may be required. In this event the requester will be notified as soon as possible, but in any event within ten working days of the receipt of the request, so that unnecessary delay in the furnishing of requested information may be avoided. Payment of the total estimated fee will be required in advance of

the furnishing of any information if the requester has previously failed to pay any previous fee due to CSA for the furnishing of information under these regulations.

(2) A deposit of 25 percent of the estimated fees will be required if these fees are in excess of \$50.00.

(3) In a case where a request fails to qualify for treatment within the technical requirements of this subpart because of omission to include payment or a promise of payment of the applicable fees, but it is ascertained that the requested record is conveniently available and is releasable in its entirety, the official responsible for responding to the request may, if he determines that it will be best interests of the activity to do so, provide a copy of such record in advance of payment or promise of payment of the applicable fees. The application of this provision shall be within the sole and exclusive discretion of the responsible official of the activity concerned and shall not be construed as creating an exception to, or ground, for waiver of, the minimum requirements specified in this and other sections of this regulation.

(e) *Remittances.* Remittances shall be in the form of either a certified personal check or bank draft drawn on a bank in the United States or a postal money order. Remittances shall be made payable to the Treasurer of the United States and mailed to FOIA Records Officer Community Services Administration, 1200 19th Street NW., Washington, D.C. 20506.

(f) *Fee schedule.* (1) Following is the fee schedule for search and reproduction of records under the Freedom of Information Act (5 U.S.C. 552), as amended:

For record search—\$1.50 per 1/4 hour.
For duplication of paper documents up to 8" x 14"—\$.10 per copy page.
For duplication of microfiche in 4 x 6 inch diazo film copies at 24 x 6 reduction—\$.10 per fiche.
For duplication of paper records from microfiche records—\$.10 per copy page.

For computer records—In most instances records maintained in the computer data base are available also in printed form and the standard fee of \$.10 per copy page shall apply. However, a record must exist at the time of the request, and it is not required that a record be "created" or compiled from the data base for the purpose of furnishing information not already provided in existing records. A record that is maintained by computer is normally deemed to exist for this purpose only if retrievable in approximately the form desired, without reprogramming.

(2) Ordinarily, search and duplication fees will be waived when they would amount in the aggregate, for a request or series of related requests, to less than \$5.00. Above that point the minimum composite charge will be \$5.00.

(g) *Other.* (1) When no specific fee has been established for a service, or the request for a service does not fall under one of the above categories, the Records Officer is authorized to establish an appropriate fee based on "direct costs" as provided in the Freedom of Information Act and in accordance with Community Services Administration regulations.

Services performed that are not required under the Freedom of Information Act such as formal certification of records as true copies may be subject to charges under the Federal User Charge Statute (31 U.S.C. 433a) or other applicable statutes depending upon the services performed.

(2) If records requested under this part are stored elsewhere than the Headquarters, or regional offices, the special costs of returning such records to these offices for review will be added to the search costs.

§ 1005.9 Officials authorized to grant or deny requests for records or copies of records.

The Records Officer shall be responsible for advising CSA officials and staff as to their obligations under this part; he shall take such other actions as may be necessary or appropriate to assure a consistent and equitable application of this part by and within CSA. In pursuance of this objective, the Records Officer may require other officials of CSA to clear with him prior to denying requests or prior to granting request for categories of documents which he determines may present special or unusual problems. At his discretion, he may himself grant or deny a request. Subject to this authority each Assistant Director, the General Counsel, the Executive Secretary and the Special Assistant to the Director, heads of Headquarters offices or divisions, and the regional directors may grant or deny requests under this part which pertain to their areas of responsibility.

§ 1005.10 CSA responses to requests.

(a) A decision to grant or deny a request must be made and notice thereof mailed or otherwise communicated to the requester within 10 working days of CSA's receipt of the request. Under unusual circumstances (as defined by 5 U.S.C. 552(a)(6)), CSA may extend this period by an additional 10 working days by written notice to the requester setting forth these circumstances and the date upon which a determination is expected.

(b) If a request is granted, the Records Officer or other appropriate official shall promptly make it available to the requester and shall notify him of its availability. If copies thereof are requested, they shall promptly be furnished to the requester, normally by mail. The notification shall also advise the requester of any applicable fees under § 1005.8.

(c) Each denial of a request shall be in writing and shall indicate the name and position or title of the responsible CSA official (normally this indication shall be his signature and title at the end of the letter). Each denial shall cite the reasons therefor. No request shall be denied except for the following reasons:

(1) The record requested is exempt under one or more of the subsections of 5 U.S.C. 552(b) which are set forth in § 1006.5(a); if a record is so exempt the denial shall cite the section(s) under which it is exempt, and if only some sections of a record are exempt the denial

shall indicate which sections apply to each part of the record(s) withheld.

(2) The record requested does not exist or is not in the possession of CSA.

(3) The requester has failed to comply with the procedures set forth in § 1005.5 or § 1005.8; but in the case of such non-compliance, the responsible CSA official shall notify the requester wherein he has failed to comply and shall offer him assistance in complying so that CSA can process his request.

(d) All denials, including partial denials, shall include notice that the requester may initiate an appeal as provided in § 1005.11. Denials shall, for purposes of this part, be treated as opinions and shall be maintained and indexed accordingly.

§ 1005.11 Appeals of denials.

(a) Any person whose request has been denied or partially denied may appeal the denial within 30 days of the date thereof. An appeal shall be in writing addressed to the designated FOIA Appeals Officer of CSA, and it shall include a copy of the original request, the denial, and any written argument the requester wishes to make.

(b) The Director of CSA has designated the Associate Director for Administration to be the FOIA Appeals Officer of CSA. The designee's decision shall be CSA's final decision on any request. There will be no hearing on appeal.

(c) The appeal shall be determined within 20 working days of its receipt. However, this period may be extended for up to 10 additional working days under unusual circumstances under the same procedures set forth in § 1005.10, provided that an extension has not previously been taken under that section.

(d) The determination of the appeals officer shall be in writing and should contain an explanation responsive to the arguments advanced. The determination shall be promptly communicated to the requester and shall constitute final CSA action on the appeal. All such determinations shall be treated as opinions under this part in the same manner as denials described in § 1005.10.

(e) Any determination to deny an appeal shall include written notice to the requester of his right to prompt judicial review thereof under 5 U.S.C. 552(a)(4).

Effective date: These regulations shall be effective November 3, 1975.

Dated: September 29, 1975.

BERT A. GALLEGOS,
Director.

[FR Doc 75-26428 Filed 10-2-75; 8:45 am]

Title 47—Telecommunication CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION [FCC 75-1070]

PART O—COMMISSION ORGANIZATION Chief, Broadcast Bureau; Delegations of Authority

In the matter of amendment of Part O of the Commission's Rules—Commission Organization—with respect

to delegations of authority to the Chief, Broadcast Bureau.

1. Section 0.71 of the Commission Rules and Regulations sets forth the functions of the Broadcast Bureau. Section 0.281 provides that performance of those functions is delegated by the Commission to the Chief, Broadcast Bureau, with the exception of certain matters which the Bureau Chief must refer to the Commission *en banc* for disposition. The excepted matters are listed in paragraphs (a) and (b) of Section 0.281.

2. Among the matters listed in paragraph (b) that must be presented to the Commission are the following:

(6) Petitions for, and final dispositions of, rule making proceedings except for the issuance of notices of proposed rule making (including orders to show cause, where appropriate) involving routine changes in the FM and TV tables of assignments.

This provision means that although the Chief, Broadcast Bureau, may presently issue notices of proposed rule making and orders to show cause in routine FM and TV table of assignment proceedings, the reports and orders terminating such proceedings must be presented to the Commission. Experience has shown that this requirement is unnecessary since usually no disagreement occurs at the Commission level as to such matters. Therefore, in the interest of expediting the rule making process and of promoting greater Commission efficiency, we are today delegating to the Chief, Broadcast Bureau, the authority to make final dispositions in such proceedings. The Chief, of course, will continue to have the delegated authority to issue notices and orders to show cause in proceedings of this type.

3. Authority for the adoption of this Order is contained in Section 5(d) of the Communications Act of 1934, as amended. Since it relates to internal Commission organization, practice, and procedure, and because early implementation of this change will expedite the transaction of public business, compliance with the usual notice and effective date provisions of the Administrative Procedure Act (5 U.S.C. 553) is not required.

4. Accordingly, it is ordered, That effective October 14, 1975, Part O of Chapter I of Title 47 of the Code of Federal

Regulations is amended by modifying § 0.281(b) (6) to read as follows:

§ 0.281 Authority delegated.

(b) Petitions and other requests for Commission action.

(6) Petitions for, and final dispositions of, rule making proceedings not involving routine changes in the FM and TV tables of assignments.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303.)

Adopted: September 23, 1975.

Released: September 25, 1975.

FEDERAL COMMUNICATIONS
COMMISSION.

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc. 75-26490 Filed 10-2-75; 8:45 am]

Title 49—Transportation

CHAPTER I—MATERIALS TRANSPORTATION BUREAU, DEPARTMENT OF TRANSPORTATION

[Docket No. HM-113; Amdt. Nos. 173-91, 177-33]

PART 177—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS, BY PUBLIC HIGHWAY

Handling of Hazardous Materials on Motor Vehicles

Correction

In FR Doc. 75-26243, appearing at page 44821, in the issue for Tuesday, September 30, 1975, the second line in the reference to FR Doc. 75-26244 the page number was omitted. The document referred to appeared on page 44842.

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Bear River Migratory Bird Refuge, Utah;

Correction

The following special regulation is issued and is effective on October 3, 1975.

In FR Doc. 75-23982 appearing at page 42018 in the FEDERAL REGISTER of Wednesday, September 10, 1975, the following changes should be made:

1. On page 42017, subparagraph (1) should be amended by changing the period ending the last sentence to a semicolon and adding "except lead shot may be possessed for transportation through designated travel lanes for use off the refuge."

2. On page 42018, subparagraph (6) is amended by adding after the last sentence "Firearms must be unloaded and either cased or broken down when transported by motor vehicle or airboat over the above designated travel lanes."

Dated: September 30, 1975.

J. N. SCHMIDT,

Acting Director,

U.S. Fish and Wildlife Service.

[FR Doc. 75-26760 Filed 10-2-75; 9:14 am]

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 285—ATLANTIC TUNA FISHERIES

BLUEFIN TUNA SEASON CLOSURE

Correction

FR Doc. 75-25517, as published in the issue of September 24, 1975, on page 43916, contained certain errors and omissions. The following corrections should be made:

1. Paragraph 1, line 7, the date September 1975, should read "September 22, 1975."

2. Paragraph 2, line 7, the date September 22, 1975, should read "September 24, 1975."

3. Paragraph 4, line 2, the date September 24, 1975, should read "September 22, 1975."

Issued at Washington, D.C., and dated September 30, 1975.

JACK W. GEHRINGER,

Deputy Director, National

Marine Fisheries Service.

[FR Doc. 75-26429 Filed 10-2-75; 8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Parts 141, 142, 143, and 159]

ENTRY OF MERCHANDISE

Notice of Proposed Amendments to the Customs Regulations Establishing a New Duty Assessment by Account (DABA) Procedure

Notice is hereby given that under the authority of 5 U.S.C. 301, R.S. 251, as amended (19 U.S.C. 66), and sections 448, 484, 624, 46 Stat. 714, as amended, 722, as amended, 759 (19 U.S.C. 1448, 1484, 1624), it is proposed to amend Parts 141, 142, 143, and 159 of the Customs Regulations (19 CFR Parts 141, 142, 143, 159) to establish a new Duty Assessment by Account (DABA) procedure which will permit an importer who qualifies for the proposed procedure to file at a single designated port of entry a package of entry documents and one estimated duty deposit covering all of the importer's shipments released in the United States during the previous month. The Customs Regulations presently require importers to file entry documents and estimated duty deposits at each port of entry through which an importation is made.

The proposed amendments provide that before an importer may utilize the DABA system, he must file an application with the United States Customs Service for the establishment of an account. Generally, an application will be approved if the importer's business records and past payment record with the United States Customs Service are satisfactory, his import transactions over the past three years do not contain a record of willful intent to defraud the United States of duties and taxes due or a history of repetitive negligent acts resulting in the assessment of penalties under section 592, Tariff Act of 1930, as amended (19 U.S.C. 1592), and the importer averages or can demonstrate that he will average 250 entries or more a year. Once an account has been established, the importer shall file all his entries at a single designated Customs port of entry, regardless of where in the United States merchandise is imported and released by the Customs Service to the importer. The importer shall file a single package of entry documents each month covering all importations of merchandise for the preceding month. Accompanying the entry package shall be a deposit of the total monthly estimated duties due.

The proposed DABA system provides for the establishment of a new Customs Form 3462, Immediate Delivery Application, which is to be used by the importer to obtain release of DABA shipments.

The proposed amendments also provide for suspension or revocation of an importer's DABA status, under certain circumstances, and for inspection of the importer's business records pertaining to entries filed under DABA procedures for verification purposes.

It is anticipated that implementation of the DABA system will simplify entry procedures by authorizing the predetermination of the classification and appraised value of merchandise, by reducing paperwork and processing delays, by expediting the liquidation of entries, and by significantly reducing the number of duty payments which importers must make. This should result in substantial savings for both the importing public and for the United States Customs Service.

Accordingly, it is proposed to amend Parts 141, 142, 143, and 159 of the Customs Regulations (19 CFR 141, 142, 143, 159) as set forth below:

PART 141—ENTRY OF MERCHANDISE

1. It is proposed to amend § 141.19 of the Customs Regulations (19 CFR 141.19) by adding a new paragraph (d) to read as follows:

§ 141.19 Declaration on entry.

(d) *Declaration required for Duty Assessment by Account merchandise.* In the case of merchandise entered under Duty Assessment by Account (DABA) procedures (see subpart D of Part 143 of this chapter), a declaration in substantially the following form shall be included as part of the covering summary sheet required to be submitted by the importer or his authorized representative pursuant to § 143.34(a) (5) of this chapter:

I declare that the entries of _____ company submitted for the month of _____ upon which this summary and duty payment are based, identify each shipment consigned to or purchased by _____ company. The prices in invoices of purchased merchandise are true and the unit values in invoices of merchandise other than purchased merchandise are true to the best of my knowledge and belief. All other statements in the invoices and other business records and summaries of these records are true and correct. I will produce at once to the U.S. Customs Service any invoice, paper, letter, document, or information received showing different information.

Importer or Agent Signature _____
 Title _____
 Date _____

2. It is proposed to amend the paragraph heading and first sentence of § 141.61(d) of the Customs Regulations (19 CFR 141.61(d)) to read as follows:

§ 141.61 Completion of entry papers.

(d) *Customs Form 5101, Entry Record.* Except in the case of the entry of merchandise under Duty Assessment by Account (DABA) procedures (see subpart D of Part 143 of this chapter), a Customs Form 5101, Entry Record, shall be prepared by the importer and all three copies, with carbon paper left in, shall be presented with each formal consumption entry, and with each warehouse, appraisal, vessel repair, or drawback entry. * * *

3. It is proposed to amend the first sentence of section 141.64 of the Customs Regulations (19 CFR 141.64) to read as follows:

§ 141.64 Review and correction of entry papers.

Except in the case of the entry of merchandise under Duty Assessment by Account (DABA) procedures (see subpart D of Part 143 of this chapter), when the papers for a formal entry are presented, they shall be reviewed prior to acceptance to ensure that all entry requirements are complied with and that the indicated values and rates of duty are correct. * * *

PART 142—SPECIAL PERMITS FOR IMMEDIATE DELIVERY PRIOR TO ENTRY

4. It is proposed to amend § 142.6 of the Customs Regulations (19 CFR 142.6) by adding a new paragraph (c) to read as follows:

§ 142.6 Examination and release of merchandise.

(c) *Duty Assessment by Account merchandise.*

(1) *Customs Form 3462, Immediate Delivery Application.* Examination and release of Duty Assessment by Account (DABA) merchandise (see subpart D of Part 143 of this chapter) for immediate delivery shall be made upon presentation of Customs Form 3462, Immediate Delivery Application, by the importer or his authorized representative. The immediate delivery number on Customs Form 3462 shall be used as the entry number for DABA merchandise released thereunder. The Customs importer of record number shall be entered on Customs Form 3462. Examination and release of merchandise shall not be made unless the examining officer has been furnished an invoice, waybill, or other satisfactory document setting forth an adequate description of the merchandise and the quantities

thereof, together with the values or approximate values thereof when values are needed for purposes of examination. The immediate delivery number on each Customs Form 3462 shall appear on all documents submitted therewith and the pages of invoices shall be numbered consecutively in accordance with § 141.86(h) of this chapter.

(2) *Failure to comply with marking requirements.* If DABA merchandise cannot be released because of failure to comply with marking requirements (see Part 134 of this chapter), the merchandise will be so labeled by the Customs Service and conditionally released to the carrier for delivery to the importer pending resolution of the problem. The importer shall withhold the merchandise from consumption until compliance with the marking requirements is achieved. If the importer does not have or cannot obtain suitable facilities for marking the merchandise, it will be placed in general order until the marking problem is resolved. The examining officer, inspector, or other designated Customs officer will issue a Customs Form 4647, Notice of Redelivery, and inspect the merchandise or samples after marking by the importer. Certain merchandise may be excepted from the marking requirements pursuant to subpart D of Part 134 of this Chapter.

5. It is proposed to amend § 142.11 of the Customs Regulations (19 CFR 142.11) by adding a new paragraph (e) to read as follows:

§ 142.11 Time limit for making entry after release of merchandise.

(e) *Duty Assessment by Account merchandise.* The initial monthly package of entries covering merchandise entered under Duty Assessment by Account (DABA) procedures (see subpart D of Part 143 of this chapter) shall be submitted within 40 calendar days of the date of written notification of approval of DABA account status. All entries for subsequent months shall be submitted no later than the same calendar day corresponding to the day of the month on which the initial package of entries was due, Saturday, Sunday, and holidays excluded. Each package of entries shall cover merchandise released to the importer up to, but not including, the tenth calendar day preceding the date the entries are due.

PART 143—CONSUMPTION, APPRAISEMENT, AND INFORMAL ENTRIES

6. It is proposed to revise § 143.0 of the Customs Regulations (19 CFR 143.0) to read as follows:

§ 143.0 Scope.

This part sets forth requirements and procedures for the clearance of imported merchandise under consumption, appraisal, and informal entries, which are in addition to the general requirements and procedures for all entries set forth in Part 141 of this chapter. Also

included are provisions governing the presentation of entries under Duty Assessment by Account (DABA) procedures. More specific entry requirements and procedures are set forth elsewhere in this chapter; for example, in Part 145 for importations by mail, and in Part 10 for merchandise conditionally free of duty or subject to a reduced rate.

7. It is also proposed to amend Part 143 by adding a new subpart D to read as follows:

Subpart D—Duty Assessment by Account Procedures

- | | |
|--------|---|
| Sec. | |
| 143.31 | General description. |
| 143.32 | Establishing an account under Duty Assessment by Account Procedures. |
| 143.33 | Release of merchandise. |
| 143.34 | Submission of monthly package of entry documents. |
| 143.35 | Customs Form 5101, Entry Record. |
| 143.36 | Liquidation of entries subject to Duty Assessment by Account procedures. |
| 143.37 | Retention and examination of business records. |
| 143.38 | Suspension or revocation of account status under Duty Assessment by Account procedures. |

AUTHORITY: 5 U.S.C. 301, R.S. 251, as amended (19 U.S.C. 66); secs. 448, 484, 624, 46 Stat. 714, as amended, 722, as amended, 759 (19 U.S.C. 1448, 1484, 1624).

Subpart D—Duty Assessment by Account Procedures

§ 143.31 General description.

Duty Assessment by Account (DABA) procedures authorize the submission by importers of a monthly package of consumption entries covering merchandise arriving at various ports of entry within the United States. An importer who has established an account under DABA procedures in accordance with § 143.32 shall utilize the DABA system with respect to all of his importations except for the following types of entries which must be processed under other procedures:

- Merchandise subject to absolute quota;
- Merchandise entering a foreign trade zone;
- Warehouse entries and withdrawals; and
- Appraisalment entries.

§ 143.32 Establishing an account under Duty Assessment by Account procedures.

(a) *Requirements for obtaining account status under the Duty Assessment by Account procedures.* Before an importer may use Duty Assessment by Account (DABA) procedures for the entry of merchandise, he shall make application for the establishment of account status with the district director at the port nearest to the importer's principal office and shall furnish to the district director upon request all information necessary to establish the account. For the purpose of DABA procedures, an "importer" shall not include an individual, corporation, partnership, association, or any other entity acting as agent on behalf of another. The importer shall also post a general term bond in the amount of \$100,000 or such larger amount as the

district director servicing the account deems necessary in accordance with § 142.4(c) and Part 113 of this chapter. In addition, the importer must meet all of the following criteria:

(1) *Business records.* The importer's business records relating to his import transactions must be determined, upon review, to be sufficiently detailed to enable appropriate Customs officers to trace each transaction from purchase to full discharge of all liabilities to the government incurred by the importation. These records will normally include books, papers, accounts, correspondence, documents, and other tangible things which constitute or contain records. In addition, business records pertaining to DABA import transactions must be available for examination and verification by authorized Customs officers, as provided in § 143.37.

(2) *Payment record.* The importer shall have had a satisfactory payment record in previous transactions with the United States Customs Service, if any. A satisfactory payment record is considered to be the absence of an habitual or consistent pattern of delinquency in the payment of estimated duties and taxes, bills for increased duties and taxes, reimbursable charges, or any other exactions accruing pursuant to the applicant's Customs transactions. Delinquency in the payment of such exactions occurs when estimated duties or taxes are not deposited timely or bills for increased duties and taxes, reimbursable charges, or other exactions are not paid within 30 days of issuance.

(3) *Fraud.* The importer's transactions with the Customs Service, if any, during the 3-year period immediately preceding the date of application to establish a DABA account, shall not contain a record of willful intent to defraud the United States of duties and taxes due or a history of repetitive negligent acts resulting in the assessment of penalties under section 592, Tariff Act of 1930, as amended (19 U.S.C. 1592).

(4) *Number of entries per year.* The importer must have filed an average of 250 entries or more per year with the United States Customs Service in the preceding three years, or must demonstrate to the satisfaction of the district director that he will maintain a volume of at least 250 entries per year.

(b) *Evaluation of application.* The appropriate district director shall conduct a review of the importer's business records and potential importations and shall prepare a report recommending either approval or denial of the application for DABA account status. The application and recommendation shall be forwarded to Headquarters, United States Customs Service, for final determination. The decision shall be transmitted to the importer through the district director. If the application is given final approval, Headquarters shall designate the district office which will serve the approved account.

§ 143.33 Release of merchandise.

Merchandise shall be examined and released for immediate delivery to the

Duty Assessment by Account (DABA) importer in accordance with § 142.6(c) and Part 151 of this chapter. Each importer with a DABA account will be furnished with a 90-day supply of prenumbered Customs Forms 3462, Immediate Delivery Applications, which shall be used by the importer to obtain release of imported DABA shipments. The number of Customs Forms 3462 issued to each importer will be based on his anticipated volume of importations for the 90-day period. An importer with a 30-day or less supply of Customs Forms 3462 remaining will be furnished, upon request to the district director servicing the account, an additional 90-day supply. The importer shall be responsible for the Customs Forms 3462 furnished to him and must account for those which are subsequently mutilated, cancelled, or lost. Mutilated or cancelled forms shall be returned to the port of entry serving the importer's DABA account. If a form is lost, the importer shall prepare, sign, and submit to the appropriate district director an affidavit setting forth the circumstances of the loss and certifying that no cargo release was obtained or will be obtained in connection with the lost form.

§ 143.34 Submission of monthly package of entry documents.

(a) *Documents included in entry package.* An importer with an account under Duty Assessment by Account (DABA) procedures shall file, within the time limitations set forth in § 142.11(e) of this chapter, a monthly package of entry documents with the port of entry at which the account was established. A check or other appropriate means of payment in the amount of the total estimated duties due shall accompany the entry package. Documents associated with a shipment which has not as yet been released from Customs custody shall not be included in the package. The date of entry shall be the date the entry package, with payment of estimated duties attached, is received and dated at the designated port of entry. The package shall consist of the following documents:

(1) Two copies of Customs Form 3462, Immediate Delivery Application, pertaining to each shipment;

(2) Customs Form 7501, Consumption Entry, covering each shipment of merchandise released from Customs custody, including the salmon-colored statistical copies for verification, and prepared in accordance with Customs Service instructions. The importer or his authorized representative shall number each Customs Form 7501 with the corresponding immediate delivery number of each Customs Form 3462 which authorized the release of the shipment;

(3) Actual invoices, waybills, or other documents submitted to obtain release of merchandise with examining officer's notations, which describe the merchandise and set forth the quantities and values thereof;

(4) Customs Form 5931, Discrepancy Report and Declaration, if available, and

reports on damages incurred to shipments, if available, describing the damage and how it occurred; and

(5) A covering summary duty statement, in triplicate, with the declaration thereon required by § 141.19(d) of this chapter, and a list of the immediate delivery numbers of the Customs Forms 3462 included in the entry package, in sequential order, with the amount of estimated duties applicable to each number.

(b) *Preparation of entry package for filing.* All documents associated with each shipment shall be stapled securely together. The documents in the entry package shall be presented in numerical order with those associated with the Customs Form 3462 having the lowest immediate delivery number placed on top.

§ 143.35 Customs Form 5101, Entry Record.

The requirements of § 141.61(d) of this chapter, relating to the filing of Customs Form 5101, Entry Record, shall not apply to the entry of merchandise under Duty Assessment by Account (DABA) procedures.

§ 143.36 Liquidation of entries subject to Duty Assessment by Account procedures.

Entries filed under Duty Assessment by Account (DABA) procedures shall be liquidated in accordance with § 159.11 of this chapter.

§ 143.37 Retention and examination of business records.

Importers using Duty Assessment by Account (DABA) procedures shall retain all business records, as defined in § 143.32 (a) (1), pertaining to entries filed under such procedures for an 8-year period following the date of entry. The importers' DABA-related business records shall be made available for examination and verification by an appropriate Customs officer upon written notification signed by an appropriate Customs officer. The notice shall state the time and place for the examination and verification.

§ 143.38 Suspension or revocation of account status under Duty Assessment by Account procedures.

The district director, after consultation and concurrence with Headquarters, United States Customs Service, may suspend or revoke the Duty Assessment by Account (DABA) status of an importer who fails to comply with the requirements set forth in these regulations, provided the importer is given written notice of the facts or conduct which may warrant suspension or revocation, and an opportunity to demonstrate or achieve compliance with DABA requirements. If after such notice the importer fails to demonstrate or achieve compliance with DABA requirements within a reasonable time, the district director shall advise the importer in writing of the effective date of the suspension or revocation.

PART 159—LIQUIDATION OF DUTIES

8. It is proposed to revise § 159.9(a) (1) of the Customs Regulations (19 CFR 159.9(a) (1)) to read as follows:

§ 159.9 Notice of liquidation and date of liquidation for formal entries.

(a) * * *

(1) *Customs Form 4333.* Customs Form 4333 shall be used for the following types of entries:

- (i) Dutiable consumption entries;
- (ii) Free consumption entries liquidated as dutiable;
- (iii) Warehouse entries;
- (iv) Drawback entries;
- (v) Vessels repair entries;
- (vi) Appraisement entries;
- (vii) Permanent exhibition entries liquidated as dutiable;
- (viii) Entries presented under Duty Assessment by Account (DABA) procedures; and
- (ix) Other entries for which a bulletin notice of liquidation is required and for which Customs Form 4335 is not appropriate.

9. It is also proposed to amend Part 159 of the Customs Regulations (19 CFR Part 159) by adding a new § 159.11 to read as follows:

§ 159.11 Liquidation of entries made under Duty Assessment by Account procedures.

The appropriate Customs officer shall liquidate each entry submitted in accordance with Duty Assessment by Account (DABA) procedures (see subpart D of Part 143 of this chapter). Each Customs Form 7501, Consumption Entry, filed with the entry package will be stamped "liquidated" with the date of liquidation. A notice of liquidation covering that portion of the monthly entry package which is liquidated will be posted in a conspicuous place in the customhouse at the port of entry serving the DABA account in accordance with § 159.9. The notice shall include a listing of the entry numbers liquidated and the corresponding liquidated amounts. A copy of the notice will be mailed to the importer and, if necessary, it will be accompanied by a bill for additional duties or, alternatively, a check for a refund of duties. Protests may be filed with respect to each liquidated entry within 90 days of the date of liquidation in accordance with Part 174 of this chapter. Prior to the adoption of the foregoing proposals, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229, and received not later than December 2, 1975.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.8(b) of the Customs Regulations (19 CFR 103.8(b)), at the Regulations Division,

United States Customs Service, Washington, D.C., during regular business hours.

VERNON D. ACKER,
Commissioner of Customs.

Approved: September 25, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the
Treasury.

[FR Doc. 75-26533 Filed 10-2-75; 8:45 am]

Internal Revenue Service

[26 CFR Part 1]

QUALIFIED JOINT AND SURVIVOR ANNUITIES

Proposed Rulemaking

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by December 2, 1975. Pursuant to 26 CFR 601.601(b), designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, persons submitting written comments should not include therein material that they consider to be confidential or inappropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice of proposed rule making is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.702(d)(9). Any person submitting written comments who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit a request, in writing, to the Commissioner by December 2, 1975. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the Federal Register, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in sections 401(a)(11) and 7805 of the Internal Revenue Code of 1954 (88 Stat. 935, 68A Stat. 917; 26 U.S.C. 401(a)(11), 7805).

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) in order to conform such regulations to section 401(a)(11) of the Internal Revenue Code of 1954, as added by section 1021(a)(1) of the Employee Retirement Income Security Act of 1974 (the "Act") (88 Stat. 935).

Section 1.401(a)-11(a) of the proposed regulations provides the general rule that a trust, which is part of a plan providing for the payment of benefits in any form of a life annuity (an annuity requiring survival as a condition for payment), shall not constitute a qualified trust unless such plan provides that these benefits must be paid in a form having the effect of a qualified joint and survivor annuity. The position of the proposed regulations that section 401(a)(11) applies to a plan providing for the payment of benefits in any form of a life annuity is based on a statement in the Report of the Committee on Ways and Means (H.R. Rept. No. 93-807, 93d Cong., 2d Sess. 67 (1974)) to the effect that the joint and survivor annuity requirement applies "if a plan provides for a lifetime annuity."

Section 401(a)(11) and the proposed regulations apply only to plans to which section 411, relating to minimum vesting standards, applies without regard to section 411(e)(2). The effect of disregarding section 411(e)(2) is to exempt from the requirements of section 401(a)(11) governmental plans, church plans, plans which have not at any time after the date of enactment of the Act provided for employer contributions, and plans established and maintained by a society, order, or association described in section 501(c)(8) or (9), if no part of the contributions to or under such plans are made by employers of participants in such plans.

Section 401(a)(11) and the proposed regulations apply if a participant's annuity starting date falls within a plan year beginning after December 31, 1975, and the participant was an active participant in the plan on or after the first day of the first plan year beginning after December 31, 1975. The term "active participant" is defined in the proposed regulations as a participant for whom benefits are being accrued under the plan on his behalf, the employer is obligated to contribute to or under the plan on his behalf, or the employer would have been obligated to contribute to or under the plan on his behalf if any contributions were made to or under the plan.

Section 401(a)(11)(E) of the Code requires a plan to provide for an election not to take a qualified joint and survivor annuity. Section 1.401(a)-11(c) of the proposed regulations provides that generally this election is to be available during at least the 90 calendar days before the annuity starting date. The plan can provide for a longer election period. An explanation, written in non-technical language, must be provided to the participant by the plan administrator within 7 calendar days from the date of the participant's request during the election period. Generally, if the explanation is not provided to the participant within this time, the election period will be at least the 90 calendar days following the date on which the explanation is given to the participant. The election is revocable during the election period. A plan may, however, provide

that a qualified joint and survivor annuity is to be the only form of benefit payable under the plan, and in this case, no election need be provided.

The 90 day periods prescribed by § 1.401(a)-11(c) and (d)(3) of the proposed regulations will also apply for purposes of section 205(e) and (c)(1) of the Act.

Under section 401(a)(11)(B) of the Code, a plan which provides for the payment of benefits before normal retirement age is not required to provide a qualified joint and survivor annuity to a participant and his spouse during the period beginning on the date the employee becomes a participant and ending on the later of the date the employee reaches the earliest retirement age or 10 years before the participant reaches normal retirement age. Such plans must provide a participant with an election to have a survivor annuity payable on his death if he continues employment during the period beginning on the later of the date the participant reaches the earliest retirement age or 10 years before the participant reaches normal retirement age and ending on the date the participant reaches normal retirement age.

Proposed § 1.401(a)-11(d)(3) states that the election period generally is to begin at least 90 days before the start of the period described in the preceding sentence and end on the date the participant terminates employment. An explanation, written in non-technical language, must be provided to the participant by the plan administrator within 7 calendar days from the date of his request. If the explanation is not provided to the participant within this time, the election period will be extended, if necessary, in order that the participant may have at least the 90 calendar days following the date on which the explanation is given to him to make the election.

The election is revocable during the election period. Breaks in service will neither invalidate a previous election or revocation nor prevent a future election or revocation. If a participant in such a plan terminates employment after reaching normal retirement age, he cannot be required to make this election in order to receive a qualified joint and survivor annuity. A plan may provide that a survivor annuity is to be the only form of benefit payable under the plan, and in this case, no election need be provided.

Section 401(a)(11)(D) provides that a plan will not be treated as not satisfying the requirements of section 401(a)(11) because the spouse of the participant is not entitled to receive a survivor annuity unless the participant and his spouse have been married throughout the 1-year period ending on the date of the participant's death. Section 1.401(a)-11(e) of the proposed regulations also allows a plan to require the participant and his spouse to have been married to each other on the annuity starting date.

Proposed amendments to the regulations. In order to prescribe regulations under section 401(a)(11) of the Internal

Revenue Code of 1954, the Income Tax Regulations (26 CFR Part 1) are amended by adding the following new sections immediately after § 1.401-14:

§ 1.401(a) Statutory provisions; requirements for qualification.

Sec. 401. Qualified pension, profit-sharing, and stock bonus plans—(a) Requirements for qualification. A trust created or organized in the United States and forming part of a stock bonus, pension, or profit-sharing plan of an employer for the exclusive benefit of his employees or their beneficiaries shall constitute a qualified trust under this section—

(1) If contributions are made to the trust by such employer, or employees, or both, or by another employer who is entitled to deduct his contributions under section 404(a)(3)(B) (relating to deduction for contributions to profit-sharing and stock bonus plans), for the purpose of distributing to such employees or their beneficiaries the corpus and income of the fund accumulated by the trust in accordance with such plan;

(2) If under the trust instrument it is impossible, at any time prior to the satisfaction of all liabilities with respect to employees and their beneficiaries under the trust, for any part of the corpus or income to be (within the taxable year or thereafter) used for, or diverted to, purposes other than for the exclusive benefit of his employees or their beneficiaries;

(3) If the plan of which such trust is a part satisfies the requirements of section 410 (relating to minimum participation standards); and

(4) If the contributions or benefits provided under the plan do not discriminate in favor of employees who are—

- (A) Officers,
- (B) Shareholders, or

(C) Highly compensated.

For purposes of this paragraph, there shall be excluded from consideration employees described in section 410(b)(2) (A) and (C).

(5) A classification shall not be considered discriminatory within the meaning of paragraph (4) or section 410(b) (without regard to paragraph (1)(A) thereof) merely because it excludes employees the whole of whose remuneration constitutes "wages" under section 3121(a)(1) (relating to the Federal Insurance Contributions Act) or merely because it is limited to salaried or clerical employees. Neither shall a plan be considered discriminatory within the meaning of such provisions merely because the contributions or benefits of or on behalf of the employees under the plan bear a uniform relationship to the total compensation, or the basic or regular rate of compensation, of such employees, or merely because the contributions or benefits based on that part of an employee's remuneration which is excluded from "wages" by section 3121(a)(1) differ from the contributions or benefits based on employee's remuneration not so excluded, or differ because of any retirement benefits created under State or Federal law. For purposes of this paragraph and paragraph (10), the total compensation of an individual who is an employee within the meaning of subsection (c)(1) means such individual's earned income (as defined in subsection (c)(2)), and the basic or regular rate of compensation of such an individual shall be determined, under regulations prescribed by the Secretary or his delegate, with respect to that portion of his earned income which bears the same ratio to his earned income as the basic or regular compensation of the employees under the plan bears to the total compensation of such employees. For purposes of determining whether two or

more plans of an employer satisfy the requirements of paragraph (4) when considered as a single plan, if the amount of contributions on behalf of the employees allowed as a deduction under section 404 for the taxable year with respect to such plans, taken together, bears a uniform relationship to the total compensation, or the basic or regular rate of compensation, of such employees, the plans shall not be considered discriminatory merely because the rights of employees to, or derived from, the employer contributions under the separate plans do not become nonforfeitable at the same rate. For the purposes of determining whether two or more plans of an employer satisfy the requirements of paragraph (4) when considered as a single plan, if the employees' rights to benefits under the separate plans do not become nonforfeitable at the same rate, but the levels of benefits provided by the separate plans satisfy the requirements of regulations prescribed by the Secretary or his delegate to take account of the differences in such rates, the plans shall not be considered discriminatory merely because of the differences in such rates.

(6) A plan shall be considered as meeting the requirements of paragraph (3) during the whole of any taxable year of the plan if on one day in each quarter it satisfied such requirements.

(7) A trust shall not constitute a qualified trust under this section unless the plan of which such trust is a part satisfies the requirements of section 411 (relating to minimum vesting standards).

(8) A trust forming part of a pension plan shall not constitute a qualified trust under this section unless the plan provides that forfeitures must not be applied to increase the benefits any employee would otherwise receive under the plan.

(9) In the case of a plan which provides contributions or benefits for employees some or all of whom are employees within the meaning of subsection (c)(1), a trust forming part of such plan shall not constitute a qualified trust under this section unless, under the plan, the entire interest of each employee—

(A) Either will be distributed to him not later than his taxable year in which he attains the age of 70½ years, or, in the case of an employee other than an owner-employee (as defined in subsection (c)(3)), in which he retires, whichever is the later, or

(B) Will be distributed, commencing not later than such taxable year, (i) in accordance with regulations prescribed by the Secretary or his delegate, over the life of such employee or over the lives of such employee and his spouse, or (ii) in accordance with such regulations, over a period not extending beyond the life expectancy of such employee or the life expectancy of such employee and his spouse.

A trust shall not be disqualified under this paragraph by reason of distributions under a designation, prior to the date of the enactment of this paragraph, by any employee under the plan of which such trust is a part, of a method of distribution which does not meet the terms of the preceding sentence.

(10) In the case of a plan which provides contributions or benefits for employees some or all of whom are owner-employees (as defined in subsection (c)(3))—

(A) Paragraph (3), the first and second sentences of paragraph (5), and section 410 shall not apply, but—

(i) Such plan shall not be considered discriminatory within the meaning of paragraph (4) merely because the contributions or benefits of or on behalf of employees under the plan bear a uniform relationship to the total compensation, or the basic or regular

rate of compensation, of such employees, and

(ii) Such plan shall not be considered discriminatory within the meaning of paragraph (4) solely because under the plan contributions described in subsection (e) which are in excess of the amounts which may be deducted under section 404 for the taxable year may be made on behalf of any owner-employee; and

(B) A trust forming a part of such plan shall constitute a qualified trust under this section only if the requirements in subsection (d) are also met.

(11) (A) A trust shall not constitute a qualified trust under this section if the plan of which such trust is a part provides for the payment of benefits in the form of an annuity unless such plan provides for the payment of annuity benefits in a form having the effect of a qualified joint and survivor annuity.

(B) Notwithstanding the provisions of subparagraph (A), in the case of a plan which provides for the payment of benefits before the normal retirement age (as defined in section 411(a)(8)), the plan is not required to provide for the payment of annuity benefits in a form having the effect of a qualified joint and survivor annuity during the period beginning on the date on which the employee enters into the plan as a participant and ending on the later of—

(i) The date the employee reaches the earliest retirement age under the plan, or

(ii) The first day of the 120th month beginning before the date on which the employee reaches normal retirement age.

(C) A plan described in subparagraph (B) does not meet the requirements of subparagraph (A) unless, under the plan, a participant has a reasonable period during which he may elect the qualified joint and survivor annuity form with respect to the period beginning on the date on which the period described in subparagraph (B) ends and ending on the date on which he reaches normal retirement age (as defined in section 411(a)(8)) if he continues his employment during that period. A plan does not meet the requirements of this subparagraph unless, in the case of such an election, the payments under the survivor annuity are not less than the payments which would have been made under the joint annuity to which the participant would have been entitled if he made an election described in this subparagraph immediately prior to his retirement and if his retirement had occurred on the day before his death and within the period within which an election can be made.

(D) A plan shall not be treated as not satisfying the requirements of this paragraph solely because the spouse of the participant is not entitled to receive a survivor annuity (whether or not an election described in subparagraph (C) has been made under subparagraph (C)) unless the participant and his spouse have been married throughout the 1-year period ending on the date of such participant's death.

(E) A plan shall not be treated as satisfying the requirements of this paragraph unless, under the plan, each participant has a reasonable period (as described by the Secretary or his delegate by regulations) before the annuity starting date during which he may elect in writing (after having received a written explanation of the terms and conditions of the joint and survivor annuity and the effect of an election under this subparagraph) not to take such joint and survivor annuity.

(F) A plan shall not be treated as not satisfying the requirement of this paragraph solely because under the plan there is a provision that any election described in sub-

paragraph (C) or (E), and any revocation of any such election, does not become effective (or ceases to be effective) if the participant dies within a period (not in excess of 2 years) beginning on the date of such election or revocation, as the case may be. The preceding sentence does not apply unless the plan provision described in the preceding sentence also provides that such an election or revocation will be given effect in any case in which—

(1) The participant dies from accidental causes,

(2) A failure to give effect to the election or revocation would deprive the participant's survivor of a survivor annuity, and

(3) Such election or revocation is made before such accident occurred.

(G) For purposes of this paragraph—

(i) The term "annuity starting date" means the first day of the first period for which an amount is received as an annuity (whether by reason of retirement or by reason of disability),

(ii) The term "earliest retirement age" means the earliest date on which, under the plan, the participant could elect to receive retirement benefits, and

(iii) The term "qualified joint and survivor annuity" means an annuity for the life of the participant with a survivor annuity for the life of his spouse which is not less than one-half of, or greater than, the amount of the annuity payable during the joint lives of the participant and his spouse and which is the actuarial equivalent of a single life annuity for the life of the participant.

For purposes of this paragraph, a plan may take into account in any equitable manner (as determined by the Secretary or his delegate) any increased costs resulting from providing joint and survivor annuity benefits.

(H) This paragraph shall apply only if—

(1) The annuity starting date did not occur before the effective date of this paragraph, and

(2) The participant was an active participant in the plan on or after such effective date.

(12) A trust shall not constitute a qualified trust under this section unless the plan of which such trust is a part provides that in the case of any merger or consolidation with, or transfer of assets or liabilities to, any other plan after the date of the enactment of the Employee Retirement Income Security Act of 1974, each participant in the plan would (if the plan then terminated) receive a benefit immediately after the merger, consolidation, or transfer which is equal to or greater than the benefit he would have been entitled to receive immediately before the merger, consolidation, or transfer (if the plan had then terminated). This paragraph shall apply in the case of a multiemployer plan only to the extent determined by the Pension Benefit Guaranty Corporation.

(13) A trust shall not constitute a qualified trust under this section unless the plan of which such trust is a part provides that benefits provided under the plan may not be assigned or alienated. For purposes of the preceding sentence, there shall not be taken into account any voluntary and revocable assignment of not to exceed 10 percent of any benefit payment made by any participant who is receiving benefits under the plan unless the assignment or alienation is made for purposes of defraying plan administration costs. For purposes of this paragraph a loan made to a participant or beneficiary shall not be treated as an assignment or alienation if such loan is secured by the participant's accrued nonforfeitable benefit and is exempt from the tax imposed by section 4975 (relating to tax on prohibited transactions) by reason of section 4975(d)(1). This para-

graph shall take effect on January 1, 1976 and shall not apply to assignments which were irrevocable on the date of the enactment of the Employee Retirement Income Security Act of 1974.

(14) A trust shall not constitute a qualified trust under this section unless the plan of which such trust is a part provides that, unless the participant otherwise elects, the payment of benefits under the plan to the participant will begin not later than the 60th day after the latest of the close of the plan year in which—

(A) The date on which the participant attains the earlier of age 65 or the normal retirement age specified under the plan,

(B) Occurs the 10th anniversary of the year in which the participant commenced participation in the plan, or

(C) The participant terminates his service with the employer.

In the case of a plan which provides for the payment of an early retirement benefit, a trust forming a part of such plan shall not constitute a qualified trust under this section unless a participant who satisfied the service requirements for such early retirement benefit, but separated from the service (with any nonforfeitable right to an accrued benefit) before satisfying the age requirement for such early retirement benefit, is entitled upon satisfaction of such age requirement to receive a benefit not less than the benefit to which he would be entitled at the normal retirement age, actuarially reduced under regulations prescribed by the Secretary or his delegate.

(15) A trust shall not constitute a qualified trust under this section unless under the plan of which such trust is a part—

(A) In the case of a participant or beneficiary who is receiving benefits under such plan, or

(B) In the case of a participant who is separated from the service and who has nonforfeitable rights to benefits,

such benefits are not decreased by reason of any increase in the benefit levels payable under title II of the Social Security Act or any increase in the wage base under such title II, if such increase takes place after the date of the enactment of the Employee Retirement Income Security Act of 1974 or (if later) the earlier of the date of first receipt of such benefits or the date of such separation, as the case may be.

(16) A trust shall not constitute a qualified trust under this section if the plan of which such trust is a part provides for benefits or contributions which exceed the limitations of section 415.

(17) In the case of a plan which provides contributions or benefits for employees some or all of whom are employees within the meaning of subsection (c)(1) or are shareholder-employees within the meaning of section 1379(d), only if the annual compensation of each employee taken into account under the plan does not exceed the first \$100,000 of such compensation.

(18) In the case of a trust which is part of a plan providing a defined benefit for employees some or all of whom are employees within the meaning of subsection (c)(1), or are shareholder-employees within the meaning of section 1379(d), only if such plan satisfies the requirements of subsection (j).

(19) A trust shall not constitute a qualified trust under this section if under the plan of which such trust is a part any part of a participant's accrued benefit derived from employer contributions (whether or not otherwise nonforfeitable), is forfeitable solely because of withdrawal by such participant of any amount attributable to the benefit derived from contributions made by such participant. The preceding sentence shall not apply to the accrued benefit of any partic-

ipant unless, at the time of such withdrawal, such participant has a nonforfeitable right to at least 50 percent of such accrued benefit (as determined under section 411). The first sentence of this paragraph shall not apply to the extent that an accrued benefit is permitted to be forfeited in accordance with section 411(a)(3)(D)(iii) (relating to proportional forfeitures of benefits accrued before enactment of the Employee Retirement Income Security Act of 1974, in the event of withdrawal of certain mandatory contributions).

Paragraphs (11), (12), (13), (14), (15), and (19) shall apply only in the case of a plan to which section 411 (relating to minimum vesting standards) applies without regard to subsection (e)(2) of such section.

[Sec. 401(a) as amended by sec. 2, Self-Employed Individuals Tax Retirement Act, 1962 (76 Stat. 809); sec. 204(b)(1)(A), Act of Nov. 13, 1966 (Pub. L. 89-809, 80 Stat. 1577); by secs. 1012(b), 1016(a)(2), 1021, 1022(a), (b)(1), 2001(c), (d)(1), 2001(e)(4), 2004(a)(1), Employee Retirement Income Security Act, 1974 (88 Stat. 913, 929, 935, 938, 939, 952, 953, 955, 979)]

§ 1.401(a)-11 Qualified joint and survivor annuities.

(a) *In general.*—(1) *General rule.* A trust, which is a part of a plan providing for the payment of benefits in any form of a life annuity (i.e., an annuity requiring survival of the participant or his spouse as a condition for payment), shall not constitute a qualified trust under section 401(a)(11) and this section unless such plan provides that these benefits must be paid in a form having the effect of a qualified joint and survivor annuity. Therefore, any benefits which may be paid in any form of a life annuity must be paid in a form having the effect of a qualified joint and survivor annuity unless the participant makes the election, described in paragraph (c) of this section, not to receive benefits in this form. A plan will not fail to meet the requirements of section 401(a)(11) and this section merely because it provides that the spouse of a deceased participant may elect to have benefits paid in a form other than a qualified joint and survivor annuity. Section 401(a)(11) and this section shall apply only in the case of a plan to which section 411 (relating to minimum vesting standards) applies without regard to section 411(e)(2). Without regard to the election provided under paragraph (d)(3) of this section, unless an election has been made under paragraph (c) of this section, a plan to which this section applies must provide that a survivor annuity shall be payable on the death of an active participant after normal retirement age.

(2) *Illustration.* The provisions of this paragraph may be illustrated by the following example:

Example. The X Corporation Defined Contribution Plan was established in 1960. As in effect on January 1, 1974, the plan provided that, upon his retirement, a participant could elect to receive the balance of his individual account in the form of (1) a lump-sum cash payment, (2) a lump-sum distribution consisting of X Corporation stock, (3) five equal annual cash payments, (4) a life annuity, or (5) a combination of options (1) through (4). The plan also provided that, if a partic-

participant did not elect another form of distribution, the balance of his individual account would be distributed to him in the form of a lump-sum cash payment upon his retirement. Assume that section 401(a)(11) and this section become applicable to the plan as of its plan year beginning January 1, 1976, with respect to persons who were active participants in the plan on such date (see paragraph (h) of this section). Unless the X Corporation Defined Contribution Plan either discontinues the life annuity payment option or is amended to provide that the balance of a participant's individual account will be paid to him in a form having the effect of a qualified joint and survivor annuity unless the participant elects another form of benefit payment, the trust established under the plan will fail to qualify under section 401(a).

(b) *Definitions.* As used in this section—(1) *Qualified joint and survivor annuity.* The term "qualified joint and survivor annuity" means an annuity for the life of the participant with a survivor annuity for the life of his spouse which is neither (i) less than one-half of, nor (ii) greater than, the amount of the annuity payable during the joint lives of the participant and his spouse. A qualified joint and survivor annuity must be at least the actuarial equivalent of the normal form of annuity or any optional form of benefit offered under the plan. Equivalence may be determined, on the basis of consistently applied reasonable actuarial factors, for each participant or for all participants or reasonable groupings of participants, if such determination does not result in discrimination in favor of employees who are officers, shareholders, or highly compensated. An annuity is not a qualified joint and survivor annuity if payments to the spouse of a deceased participant are terminated because of such spouse's remarriage.

(2) *Annuity starting date.* The term "annuity starting date" means the first day of the first period with respect to which an amount is received as an annuity, whether by reason of retirement or by reason of disability.

(3) *Earliest retirement age.* The term "earliest retirement age" means the earliest date on which, under the plan, the participant could elect to receive retirement benefits, including any benefit the participant is entitled to receive on account of disability.

(4) *Day.* The term "day" means a calendar day.

(c) *Election not to take joint and survivor annuity form.*—(1) *In general.* A plan shall not be treated as satisfying the requirements of this section unless each participant has the right to elect in writing not to take a joint and survivor annuity during the election period, described in subparagraph (2) of this paragraph, before the annuity starting date. However, if a plan provides that a qualified joint and survivor annuity is the only form of benefit payable under the plan, no election need be provided.

(2) *Election period.* (i) The election period provided by the plan shall include at least the 90 days before the annuity starting date. If the information de-

scribed in subparagraph (3) of this paragraph is not provided to the participant within the period specified in that subparagraph, the election period shall be extended, if necessary, to include at least the 90 calendar days following the date on which the information is given to the participant.

(ii) Notwithstanding subdivision (i) of this subparagraph, a plan may provide that if the participant notifies the plan administrator less than 90 days before the annuity starting date, of his intent to terminate employment, the election period shall end on the later of the annuity starting date or the 14th day following the date on which such notice is given. However, if the information described in subparagraph (3) of this paragraph is not provided to a participant within the period specified in that subparagraph, the election period shall not end before the 15th day following the date on which the information is given to the participant.

(iii) An election or revocation by any participant who does not receive the information described in subparagraph (3) of this paragraph within the period specified in that subparagraph will be deemed to have been made on the last day of that period for purposes of section 401(a)(11)(F) and this section, if such election or revocation is made after such period.

(3) *Information to be provided to the participant.* (i) The plan administrator must furnish to the participant a written notification, in nontechnical terms, of the availability of the election provided by this paragraph, within 7 days after the first day of the election period. This notification shall also inform the participant of the availability of the information specified in subdivision (i) of this subparagraph.

(ii) The plan administrator must furnish to the participant a written explanation in nontechnical language of the terms and conditions of the joint and survivor annuity and the financial effect upon the participant's annuity (in terms of dollars per annuity payment) of making an election under this paragraph. This explanation must be provided to the participant within 7 days from the date of the participant's request during the election period.

(4) *Form of election.* The election shall be in writing and clearly indicate that the participant is electing to receive his benefits under the plan in a form other than that of a joint and survivor annuity.

(5) *Election is revocable.* This election may be revoked in writing during the election period described in subparagraph (2) of this paragraph. After an election is revoked another election under this paragraph may be made during the election period.

(d) *Plans providing for early retirement.*—(1) *Period during which qualified joint and survivor annuity not required.* Notwithstanding the provisions of paragraph (a) of this section, in the case of a plan which provides for the payment

of benefits before the normal retirement age (as defined in section 411(a)(8)), the plan is not required to provide for the payment of annuity benefits in a form having the effect of a qualified joint and survivor annuity during the period beginning on the date on which the employee enters into the plan as a participant and ending on the later of—

(i) The date the employee reaches the earliest retirement age under the plan (as defined in paragraph (b)(3) of this section), or

(ii) The first day of the 120th month beginning before the date on which the employee reaches normal retirement age.

(2) *Period during which qualified joint and survivor annuity required.* (i) If a participant terminates employment and begins to receive retirement benefits during the period described in subparagraph (1) of this paragraph, he and his spouse must receive, after the termination of such period (or after the date such period would have terminated if the participant had survived), benefits having the effect of a qualified joint and survivor annuity, unless the participant has made an election under paragraph (c) of this section.

(ii) If a participant terminates employment and begins to receive retirement benefits after the period described in subparagraph (1) of this paragraph, he and his spouse must receive benefits having the effect of a qualified joint and survivor annuity, unless the participant has made an election under paragraph (c) of this section.

(iii) The provisions of this subparagraph may be illustrated by the following example:

Example. A plan which provides a benefit in the form of a life annuity also provides that a participant may retire before the normal retirement age of 65 and receive a benefit, if he has completed 30 years of service. A, an employee, became a participant at the age of 18. A retires and begins to receive retirement benefits at the age of 43. Unless A otherwise elects, the plan must provide a qualified joint and survivor annuity to A and his spouse after A reaches age 55 (the later of the earliest retirement age (48) or 10 years before normal retirement age (age 55)) or after the date A would have reached age 55, if he had survived. The survivor annuity paid to the spouse must satisfy the requirements of paragraph (b)(1) of this section. The plan may, but is not required to, provide the survivor annuity before age 55 if the participant dies between age 43 and age 55.

(3) *Election of survivor annuity.*—(i) *In general.* (A) A plan described in subparagraph (1) of this paragraph does not meet the requirements of paragraph (a) of this section unless, under the plan, a participant may elect, during the period described in subdivision (iii) of this subparagraph, a survivor annuity to be payable on his death during the period beginning on the date on which the period described in subparagraph (1) of this paragraph ends and ending on the date on which he reaches normal retirement age if he continues his employment during that period. Breaks in service during that period will neither invalidate

a previous election or revocation nor prevent an election from being made or revoked during the election period.

(B) If a plan provides that a survivor annuity is the only form of benefit payable under the plan, no election need be provided.

(ii) *Example.* The provisions of paragraph (d) (3) (i) of this subparagraph may be illustrated by the following example:

Example. A plan which provides a life annuity also provides that a participant may retire before the normal retirement age of 65 and receive a benefit, if he has completed 30 years of service. Under this plan, an employee who became a participant at the age of 18 will be eligible to receive retirement benefits at the age of 48. This plan must allow a participant who continues his employment to elect a survivor annuity, described in subdivision (v) of this subparagraph, to be payable on the death of the participant if death occurs after age 55 (the later of the date the participant reaches the earliest retirement age (age 48) or 10 years before normal retirement age (age 65)) but before the date the participant reaches normal retirement age (age 65).

(iii) *Election period.* Except as provided in the following sentence, a plan to which this paragraph applies shall provide for an election period beginning not later than 90 days before the date on which the period described in subparagraph (1) of this paragraph ends and ending on the date the participant terminates his employment. If such a plan contains a provision that any election made under this subparagraph and any revocation of any such election does not become effective or ceases to become effective if the participant dies within a certain period beginning on the date of such election or revocation, the length of such period shall be added to the minimum election period prescribed in the preceding sentence. For example, if a plan provides that an election made under this subparagraph does not become effective if the participant dies less than 2 years after the date of such election, the period for making an election under this paragraph must begin not later than 2 years and 90 days before the date on which the period described in subparagraph (1) of this subparagraph ends. If the information, described in subdivision (iv) of this subparagraph, is not provided to a participant within the period specified in that subdivision, the election period shall be extended, if necessary, in order that the participant may have at least the 90 days following the date on which the information is furnished to him in which to make the election. An election or a revocation by any participant who does not receive the information described in subdivision (iv) of this subparagraph within the period specified in that subdivision will be deemed to have been made on the last day of that period for purposes of section 401(a) (11) (F) and this section, if such election or revocation is made after such period.

(iv) *Information to be provided by plan administrator.* (A) The plan administrator must furnish to the partici-

pant a written notification in nontechnical terms of the availability of the election provided by this subparagraph, within 7 days after the first day of the election period. This notification shall also inform the participant of the availability of the information specified in subdivision (iv) (B) of this subparagraph.

(B) During the election period, the plan administrator must furnish to the participant, within 7 days from the date of his request, a written explanation in nontechnical language of the terms and conditions of the survivor annuity and the financial effect upon the participant's annuity (in terms of dollars per annuity payment) of an election or of a revocation of an election under this subparagraph.

(v) *Payments under the survivor annuity.* In order to meet the requirements of this subparagraph, if an election is made, the payments under the survivor annuity must not be less than the payments which would have been made under the joint and survivor annuity to which the surviving spouse would have been entitled if the participant had made the election described in this subparagraph immediately prior to his retirement and if his retirement had occurred on the day before his death and within the period during which an election can be made. For example, if a participant is entitled to a single life annuity of \$100 per month or a reduced amount under a qualified joint and survivor annuity of \$80 per month, regardless of when he makes a valid election under subparagraph (2) of this paragraph, his spouse is entitled to a payment of at least \$40, but not more than \$80 per month, under the survivor annuity.

(vi) *Form of election.* The election shall be in writing and clearly indicate that the participant is electing the joint and survivor annuity form.

(vii) *Election is revocable.* An election under this subparagraph may be revoked in writing during the election period described in subdivision (iii) of this subparagraph. After an election has been revoked, another election under this subparagraph may be made during the election period. See paragraph (c) of this section, relating to the right to elect not to take the joint and survivor annuity form.

(e) *Marriage requirements.* (1) A plan shall be treated as satisfying the requirements of this section even though it requires the participant and his spouse to have been married to each other on the annuity starting date.

(2) A plan shall be treated as satisfying the requirements of this section even though it provides that the spouse of the participant is not entitled to receive a survivor annuity (whether or not the election described in paragraph (d) (2) of this section has been made) unless the participant and his spouse have been married to each other throughout the 1-year period ending on the date of such participant's death.

(f) *Effect of participant's death on an election or revocation of an election un-*

der paragraph (c) or (d) (2). A plan shall not be treated as not satisfying the requirements of this section merely because the plan contains a provision that any election made under paragraph (c) or (d) (2) of this section and any revocation of any such election does not become effective or ceases to be effective if the participant dies within a period, not in excess of 2 years, beginning on the date of such election or revocation. A plan containing a provision described in the preceding sentence shall not satisfy the requirements of this section unless it also provides that any such election and any revocation of any such election will be given effect in any case in which—

(1) The participant dies from accidental causes,

(2) A failure to give effect to the election or revocation would deprive the participant's survivor of a survivor annuity, and

(3) Such election or revocation is made before such accident occurred.

(g) *Costs of providing joint and survivor annuity form.* A plan may take into account in any equitable manner consistent with generally accepted actuarial principles applied on a consistent basis any increased costs resulting from providing joint and survivor annuity benefits.

(h) *Application and effective date.* (1) section 401(a) (11) and this section shall apply to a plan only with respect to plan years to which section 411 (relating to minimum vesting standards) is applicable to the plan.

(2) Section 401(a) (11) and this section shall apply if—

(i) The participant's annuity starting date falls within a plan year beginning after December 31, 1975, and

(ii) The participant was an active participant in the plan on or after the first day of the first plan year beginning after December 31, 1975.

For purposes of this paragraph, the term "active participant" means a participant for whom benefits are being accrued under the plan on his behalf, the employer is obligated to contribute to or under the plan on his behalf, or the employer would have been obligated to contribute to or under the plan on his behalf if any contributions were made to or under the plan.

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[26 CFR Part 1]

MULTIPLE CORPORATIONS

Notice of Proposed Rulemaking

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T.

Washington, D.C. 20224, by November 3, 1975. Pursuant to 26 CFR 601.601(b), designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, a person submitting written comments should not include therein material that he considers to be confidential or inappropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice of proposed rule making is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.702(d)(9). Any person submitting written comments who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by November 3, 1975. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the *FEDERAL REGISTER*, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the *FEDERAL REGISTER*.

(Secs. 1561(a) (83 Stat. 599; 26 U.S.C. 1561(a)) and 7805 (88A Stat. 917; 26 U.S.C. 7805) of the Internal Revenue Code of 1954.)

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) in order to conform the regulations under sections 1561 and 1562 (relating to surtax exemptions of certain controlled groups of corporations) to the provisions of section 401(a) of the Tax Reform Act of 1969 (83 Stat. 599), and sections 303(c)(1) and 304(b) of the Tax Reduction Act of 1975 (89 Stat. 44, 45).

Generally, section 401(a)(1) of the Tax Reform Act of 1969 amends section 1561 to provide that for taxable years beginning after December 31, 1974, the component members of a controlled group of corporations (as defined under section 1563) shall be limited to one \$25,000 surtax exemption under section 11(d), one \$100,000 amount for purposes of computing the accumulated earnings credit under section 535(c)(2) and (3), and one \$25,000 amount for purposes of computing the limitation on the small business deduction of life insurance companies under sections 804(a)(4) and 809(d)(10).

Section 401(a)(2) of the Tax Reform Act of 1969 repeals section 1562 for taxable years beginning after December 31, 1974.

The Tax Reduction Act of 1975 (hereinafter referred to as the "Act") provides for an increase in the amount of the surtax exemption under section 11(d) to \$50,000 for taxable years ending in 1975. Under section 303(c)(1) of the Act, the component members of a controlled group of corporations having taxable years ending in 1975 are limited in

that year to one \$50,000 surtax exemption (in lieu of one \$25,000 exemption). In addition, the Act provides for a change in the rate of normal tax for taxable years ending in 1975. In lieu of a single rate of 22 percent, the tax imposed by section 11(b)(2) for taxable years ending in 1975 is 20 percent of the first \$25,000 of taxable income and 22 percent of the taxable income in excess of \$25,000. Under section 303(c)(1) of the Act, in applying subsection (b)(2) of section 11, the first \$25,000 of taxable income and the second \$25,000 of taxable income must be allocated among the component members of a controlled group in the same manner as the surtax exemption is allocated.

Both the change in the amount of the surtax exemption and the change in the rate of normal tax for taxable years ending after December 31, 1974, are considered changes in a rate of tax to which the provisions of section 21 of the Code apply. In addition, when these amendments cease to apply for taxable years ending after December 31, 1975, the changes in the surtax exemption and in the rate of normal tax back to the amounts in effect prior to the Tax Reduction Act of 1975 are again considered changes in a rate of tax for purposes of section 21. Thus, for both its 1974-1975 taxable year and its 1975-1976 taxable year, a fiscal year corporation must compute its tax liability under section 21 of the Code to take these changes into account.

Under section 304(a) of the Act, the amount of the minimum credit for purposes of computing the accumulated earnings credit under section 535(c)(2) and (3) is increased from \$100,000 to \$150,000 for taxable years beginning after December 31, 1974. Under section 304(b) of the Act, component members of a controlled group are limited to one \$150,000 amount for such taxable years.

Both the amendment of section 1561 and the repeal of section 1562 were intended to limit the tax benefits which may be derived from the surtax exemption, the minimum accumulated earnings credit, and the limitation on the small business deduction for life insurance companies, in the case of a large organization which operates through multiple corporations.

The proposed amendments provide that the single surtax exemption available to the controlled group of corporations shall be divided equally among the component members of the controlled group unless all the members of the group consent to an apportionment plan which provides for an unequal allocation.

Where the taxable years of all the component members of the controlled group end in 1975, the \$50,000 surtax exemption available for such year may be divided equally among the members or allocated to one or more members pursuant to an apportionment plan. Where, however, a controlled group on December 31, 1974 (or December 31, 1975), includes one or more members whose taxable years end in 1975 and one

or more other members whose taxable years do not end in 1975, and if no apportionment plan is effective for such December 31, all the component members on such December 31 must be taken into account for purposes of equally allocating the \$50,000 amount among the component members whose taxable years end in 1975, and equally allocating the \$25,000 amount among the other remaining members. Thus, a component member whose taxable year ends in 1975 is entitled only to an amount equal to \$50,000 divided by the total number of component members on such December 31 (including members whose taxable years do not end in 1975), and a component member whose taxable year does not end in 1975 is entitled to an amount equal to \$25,000 divided by the total number of component members on such December 31 (including members whose taxable years end in 1975). If an apportionment plan is adopted allocating both the \$50,000 amount and the \$25,000 amount among the component members, the sum of the amounts apportioned to members whose taxable years end in 1975 and the sum of the amounts apportioned to members whose taxable years do not end in 1975 cannot exceed the sum of the amounts such members would be entitled to if no apportionment plan was adopted.

For purposes of determining the tax liability of component members of a controlled group for taxable years ending in 1975, the amounts of taxable income subject to the normal tax under section 11(b)(2)(A) and (B) are allocated among the component members of the controlled group in the same proportions as the surtax exemption for 1975 is allocated. Under the proposed regulations, one-half of the amount of the surtax exemption allocated to each component member for 1975 (under either the equal allocation method or under an apportionment plan) is subject to the tax under section 11(b)(2)(A) and any excess of taxable income over one-half of such amount is subject to the tax under section 11(b)(2)(B).

Pursuant to the authority granted under section 1561, as amended, the proposed amendments prescribe a modified pro rata rule for allocating the \$150,000 amount for purposes of computing the accumulated earnings credit under section 535(c)(2) and (3) to the component members of the controlled group in order to insure the maximum utilization of such amount by such members. Under this rule, the \$150,000 amount is first divided equally among the members of the group, and then to the extent that any member does not have sufficient earnings and profits to utilize its pro rata share, the excess amount is allocated equally to the members of the group which do not have such an excess.

The \$25,000 amount for purposes of computing the limitation on the small business deduction of life insurance companies under sections 804(a)(4) and 809(d)(10) is allocated under the proposed amendments in the same manner and

under the same statutory authority as the \$150,000 minimum accumulated earnings credit. Under the proposed amendments, the \$25,000 amount is first allocated equally to each component member which is taxable as a life insurance company under section 802 and then to the extent that any such member's pro rata share exceeds 10 percent of its investment yield (as defined under section 804(c)), such excess is allocated equally to such members who do not have such an excess.

Proposed amendments to the regulations. In order to conform the Income Tax Regulations (26 CFR Part 1) to section 401(a) of the Tax Reform Act of 1969 (83 Stat. 599), and sections 303 (c) (1) and 304(b) of the Tax Reduction Act of 1975 (89 Stat. 44, 45), relating to multiple corporations, such regulations are amended as follows:

PARAGRAPH 1. Section 1.535-3 is amended by revising the second sentence in paragraph (b) (2) and by revising the last sentence in paragraph (c) to read as follows:

§ 1.535-3 Accumulated earnings credit.

(b) * * *

(2) *Minimum credit.* * * * Except as otherwise provided in section 243(b) (3) and § 1.243-5 (relating to effect of 100-percent dividends received deduction under section 243(b)) and sections 1561, 1562, and 1564 (relating to limitations on certain multiple tax benefits in the case of certain controlled corporations), in the case of such a corporation, the minimum credit shall in no case be less than the amount by which \$150,000 (\$100,000 in the case of a taxable year beginning before January 1, 1975) exceeds the accumulated earnings and profits of the corporation at the close of the preceding taxable year. * * *

(c) *Holding and investment companies.* * * * For the accumulated earnings credit of a mere holding or investment company which is a component member of a controlled group of corporations (as defined in section 1563), see sections 1561, 1562, and 1564.

PAR. 2. Section 1.804-2 is amended by revising paragraph (d) (1) (iv) to read as follows:

§ 1.804-2 Taxable investment income.

(d) *Taxable investment income of a life insurance company—(1) Definition.*

(iv) The small business deduction provided by section 804(a) (4). For purposes of part I, such small business deduction shall be an amount equal to 10 percent of the investment yield for the taxable year, except that such amount shall not exceed \$25,000, or, in the case of a component member of a controlled group of corporations (as defined in section 1563), the amount allowable under section 1561 (for taxable years beginning after December 31, 1974) or section 1564(a) (for

taxable years beginning before January 1, 1975).

PAR. 3. Section 1.1552-1 is amended by revising paragraph (a) (2) (ii) (d) to read as follows:

§ 1.1552-1 Earnings and profits.

(a) *General rule.* * * *

(2) * * *

(ii) * * *

(d) For purposes of subtitle A of the Code, the surtax exemption of the member shall be an amount equal to \$25,000 (\$50,000 in the case of a taxable year ending in 1975), divided by the number of members (or such portion of \$25,000 or \$50,000 which is apportioned to the member pursuant to a schedule attached to the consolidated return for the taxable year). (However, if for the taxable year some or all of the members are component members of a controlled group of corporations (within the meaning of section 1563) and if there are other such component members which do not join in filing the consolidated return for such year, the amount to be divided among the members filing the consolidated return shall be (in lieu of \$25,000 or \$50,000) the sum of the amounts apportioned to the component members which join in filing the consolidated return (as determined for taxable years beginning after December 31, 1974, under § 1.1561-2(a) (2) or § 1.1561-3, whichever is applicable, and for taxable years beginning before January 1, 1975, under § 1.1561-2A(a) (2) or § 1.1561-3A, whichever is applicable).)

PAR. 4. Section 1.1561 is amended to read as follows:

§ 1.1561 Statutory provisions; limitations on certain multiple tax benefits in the case of certain controlled corporations.

SEC. 1561. *Limitations on certain multiple tax benefits in the case of certain controlled corporations—(a) General rule.* The component members of a controlled group of corporations on a December 31 shall, for their taxable years which include such December 31, be limited for purposes of this subtitle to—

- (1) One \$25,000 [\$50,000 in the case of a taxable year ending in 1975] surtax exemption under section 11(d).
- (2) One \$150,000 amount for purposes of computing the accumulated earnings credit under section 535(c) (2) and (3), and
- (3) One \$25,000 amount for purposes of computing the limitation on the small business deduction of life insurance companies under sections 804(a) (4) and 809(d) (10).

The amount specified in paragraph (1) shall be divided equally among the component members of such group on such December 31 unless all of such component members consent (at such time and in such manner as the Secretary or his delegate shall by regulations prescribe) to an apportionment plan providing for an unequal allocation of such amount. The amounts specified in paragraphs (2) and (3) shall be divided equally among the component members of such group on such December 31 unless the Secretary or his delegate prescribes regulations permitting an unequal allocation of such amounts.

(b) *Certain short taxable years.* If a corporation has a short taxable year which does not include a December 31 and is a component member of a controlled group of corporations with respect to such taxable year, then for purposes of this subtitle—

- (1) The surtax exemption under section 11(d),
- (2) The amount to be used in computing the accumulated earnings credit under section 535 (c) (2) and (3), and
- (3) The amount to be used in computing the limitation on the small business deduction of life insurance companies under sections 804 (a) (4) and 809 (d) (10),

of such corporation for such taxable year shall be the amount specified in subsection (a) (1), (2), or (3), as the case may be, divided by the number of corporations which are component members of such group on the last day of such taxable year. For purposes of the preceding sentence, section 1563(b) shall be applied as if such last day were substituted for December 31.

[Sec. 1561 as added by sec. 235(a), Rev. Act 1964 (78 Stat. 116); as amended by sec. 401 (a) (1), Tax Reform Act of 1969 (83 Stat. 599) for taxable years beginning after December 31, 1974; as amended by sec. 303 (c) (1) and sec. 304(b), Tax Reduction Act 1975 (89 Stat. 44, 45)]

PAR. 5. The following new section is added immediately after § 1.1561:

§ 1.1561-0 Effective date.

(a) Except as provided in paragraph (c) of this section, the provisions of §§ 1.1561-1 through 1.1561-3 apply only to taxable years beginning after December 31, 1974.

(b) Except as provided in paragraph (c) of this section, the provisions of §§ 1.1561-1A through 1.1561-3A apply only to taxable years beginning before January 1, 1975.

(c) If one or more component members of a controlled group of corporations on December 31, 1974, has a taxable year including such December 31 that ends in 1975, the provisions of § 1.1561-2 (a) and (b) shall apply to all component members of such controlled group for their taxable years which include December 31, 1974.

PAR. 6. Sections 1.1561-1, 1.1561-2, and 1.1561-3 are redesignated as §§ 1.1561-1A, 1.1561-2A, and 1.1561-3A, respectively.

PAR. 7. The following new sections are added immediately before § 1.1561-1A:

§ 1.1561-1 Limitations on certain multiple tax benefits in the case of certain controlled corporations.

(a) *In general.* Part II (section 1561 and following), subchapter B, chapter 6 of the Code, provides rules relating to certain controlled corporations. In general, section 1561 provides that the component members of a controlled group of corporations on a December 31, for their taxable years which include such December 31, shall be limited for purposes of subtitle A to

- (1) One \$25,000 [\$50,000 in the case of a taxable year ending in 1975] surtax exemption under section 11(d),
- (2) One \$150,000 amount for purposes of computing the accumulated earnings

credit under section 535(c) (2) and (3), and

(3) One \$25,000 amount for purposes of computing the limitation on the small business deduction of life insurance companies under sections 804(a) (4) and 809 (d) (10).

For certain definitions (including the definition of a "controlled group of corporations" and a "component member") and special rules for purposes of part II of subchapter B, see section 1563 and the regulations thereunder.

(b) *Tax avoidance.* The provisions of part II, subchapter B, chapter 6 do not delimit or abrogate any principle of law established by judicial decision, or any existing provisions of the Code, such as sections 269 and 482, which have the effect of preventing the avoidance or evasion of income taxes.

(c) *Special rules.* (1) For purposes of sections 1561 and 1563 and the regulations thereunder, the term "corporation" includes an electing small business corporation (as defined in section 1371(b)). However, for the treatment of an electing small business corporation as an excluded member of a controlled group of corporations, see paragraph (b) (2) (ii) of § 1.1563-1.

(2) In the case of corporations electing a 52-53-week taxable year under section 441(f) (1), the provisions of sections 1561 and 1563 and the regulations thereunder shall be applied in accordance with the special rule of section 441(f) (2) (A). See paragraph (b) (1) of § 1.441-2.

§ 1.1561-2 Determination of amount of tax benefits.

(a) *Surtax exemption.* (1) If a corporation is a component member of a controlled group of corporations on a December 31, the surtax exemption under section 11(d) of such corporation for the taxable year which includes such December 31 shall be an amount equal to—

(i) \$25,000 (\$50,000 in the case of a taxable year ending in 1975) divided by the number of corporations which are component members of such group on such December 31, or

(ii) If an apportionment plan is adopted under § 1.1561-3 which is effective with respect to such taxable year, such portion of \$25,000 (or \$50,000) as is apportioned to such member in accordance with such plan.

(2) In the case of a controlled group of corporations which includes component members which join in the filing of a consolidated return and other component members which do not join in the filing of such a return, and where there is no apportionment plan effective under § 1.1561-3 apportioning the \$25,000 (or \$50,000) amount among the component members filing the consolidated return and the other component members of the controlled group, each component member of the controlled group (including each component member which joins in filing the consolidated return) shall be treated as a separate corporation for purposes of equally apportioning the \$25,000 (or \$50,000) amount under sub-

paragraph (1) (i) of this paragraph. In such case, the surtax exemption of the corporations filing the consolidated return shall be the sum of the amounts apportioned to each component member which joins in filing the consolidated return.

(3) The provisions of section 1561 may reduce the surtax exemption of any corporation which is a component member of a controlled group of corporations and which is subject to the tax imposed by section 11, or by any other provision of subtitle A of the Code if the tax under such other provisions is computed by reference to the amount of the surtax exemption provided by section 11. Such other provisions include, for example, sections 511(a) (1), 594, 802, 831, 852, 857, 882, 1201, and 1378.

(4) (i) If one or more component members of a controlled group of corporations on December 31, 1974 (or December 31, 1975) has a taxable year including such December 31 that ends in 1975, and one or more other component members on such December 31 has a taxable year including such December 31 that does not end in 1975, and if there is no apportionment plan effective under § 1.1561-3 and subdivision (ii) of this subparagraph apportioning both the \$50,000 amount and the \$25,000 amount among the component members of the controlled group, then for purposes of applying subparagraph (1) (i) of this paragraph each component member of the controlled group on such December 31 shall be taken into account for purposes of equally apportioning the \$50,000 amount among the component members whose taxable years end in 1975, and equally apportioning the \$25,000 amount among the component members whose taxable years do not end in 1975. In such case, the surtax exemption of each corporation whose taxable year ends in 1975 shall be \$50,000 divided by the number of corporations which are component members of the controlled group on such December 31, and the surtax exemption of each corporation whose taxable year does not end in 1975 shall be \$25,000 divided by the number of corporations which are component members on such December 31.

(ii) In the case of a controlled group of corporations on December 31, 1974 (or December 31, 1975), if an apportionment plan is adopted under § 1.1561-3 apportioning both the \$50,000 amount among the component members whose taxable years end in 1975, and the \$25,000 amount among the component members whose taxable years do not end in 1975, then for purposes of applying paragraph (1) (ii) of this paragraph, the sum of the amounts apportioned among the component members whose taxable years end in 1975 shall not exceed the sum of the amounts which would be apportioned to such corporations under subdivision (i) of this paragraph if no apportionment plan was effective for such December 31, and the sum of the amounts apportioned among the other

component members whose taxable years do not end in 1975 shall not exceed the sum of the amounts which would be apportioned to such other corporations under subdivision (i) of this paragraph if no apportionment plan was effective for such December 31.

(iii) In the case of a corporation which is a component member of a controlled group on December 31, 1974 (or December 31, 1975) whose taxable year is not a calendar year, the change in the amount of the surtax exemption is treated as a change in a rate of tax. See section 21(f) and the regulations thereunder.

(5) The application of this paragraph may be illustrated by the following examples:

Example (1). Corporation W, X, Y, and Z are component members of a controlled group of corporations on December 31, 1976, and each corporation files its income tax return on the basis of a calendar year. For their taxable years ending on December 31, 1976, W and X each incurs a net operating loss; Y has \$5,250 of taxable income; and Z has \$30,000 of taxable income. If an apportionment plan is not effective for such taxable years, the surtax exemption under section 11 (d) of each corporation determined under subparagraph (1) (i) of this paragraph is \$5,250 (\$25,000 ÷ 4). However, the four corporations may avoid a pro rata division of the \$25,000 amount by filing an apportionment plan in accordance with the provisions of § 1.1561-3 allocating the \$25,000 amount in any manner they deem proper.

Example (2). Corporation A files its income tax return on the basis of a calendar year; corporation B files its income tax return on the basis of a fiscal year ending March 31. On December 31, 1976, A and B are the only component members of a controlled group of corporations. Under subparagraph (1) (i) of this paragraph, the surtax exemption of A for 1976, and the surtax exemption of B for its fiscal year ending March 31, 1977, is \$12,500 (\$25,000 ÷ 2). However, if an apportionment plan is filed in accordance with the provisions of § 1.1561-3, the surtax exemption of each such corporation will be the amount apportioned to the corporation pursuant to the plan.

Example (3). Corporations R, P, and S are component members of a controlled group of corporations on December 31, 1976. P and S file a consolidated return for their fiscal years ending June 30, 1977. R files a separate return for its taxable year ending on December 31, 1976. No apportionment plan is effective with respect to R's, P's, and S's taxable years which include December 31, 1976. Therefore, R, P, and S are each apportioned \$8,333.33 as their surtax exemption under section 11(d) (\$25,000 ÷ 3) for their taxable years including such date. The surtax exemption of the affiliated group filing a consolidated return (P and S) for the year ending June 30, 1977, is \$16,666.66 (i.e., the sum of the \$8,333.33 amounts apportioned to P and S). However, if an apportionment plan is filed in accordance with the provisions of § 1.1561-3, the surtax exemption of the corporations which are members of the affiliated group filing a consolidated return and of each other corporation which is a component member of the controlled group of corporations will be the amount apportioned to such affiliated group and to each such other corporation pursuant to the plan.

(b) *Allocation of amounts of taxable income subject to normal tax.* (1) In the

case of a taxable year ending after December 31, 1974, and before January 1, 1975, if the amount of the surtax exemption of a corporation is less than \$50,000 under paragraph (a)(1)(i) or (ii) of this section, then for purposes of applying section 11(b)(2) (relating to rate of normal tax) in determining such corporation's liability for tax for such taxable year, the amount of taxable income subject to taxation under section 11(b)(2)(A) shall be (in lieu of the first \$25,000 of taxable income) one-half of the amount of the surtax exemption allocated to such corporation under paragraph (a)(1)(i) or (ii) of this section for such year, and the amount of taxable income subject to taxation under section 11(b)(2)(B) shall be (in lieu of the amount of taxable income in excess of \$25,000) so much of the taxable income as exceeds one-half of the amount of the surtax exemption allocated to such corporation under paragraph (a)(1)(i) or (ii) of this section for such year.

(2) The provisions of this paragraph may be illustrated by the following example:

Example. Corporations P and S are component members of a controlled group of corporations on December 31, 1975, and each corporation files a separate income tax return on the basis of a calendar year. For the taxable years ending on December 31, 1975, P incurs a net operating loss and S has \$25,000 of taxable income. If an apportionment plan is not effective for such taxable years, the surtax exemption under section 11(d) of each corporation (determined under paragraph (a)(1)(i) of this section) is \$25,000 (\$50,000 ÷ 2). For purposes of applying section 11(b)(2) to determine S's liability for tax for 1975, the amount of taxable income subject to taxation under section 11(b)(2)(A) (at the rate of 20 percent) is limited to \$12,500 (i.e., one-half of the amount of the surtax exemption allocated to S under paragraph (a)(1)(i) of this section), and the amount of taxable income subject to taxation under section 11(b)(2)(B) (at the rate of 22 percent) is \$12,500 (i.e., the amount of taxable income in excess of one-half of the amount of the surtax exemption).

(3) If an apportionment plan is adopted under § 1.1563-3 by the component members of a controlled group of corporations on December 31, 1974 (or December 31, 1975), and if one or more component members on such December 31 has a taxable year including such December 31 that ends in 1975, then (in addition to the information required to be included in the plan for such year under § 1.1563-3(a)), the plan shall specify the amounts subject to taxation under section 11(b)(2)(A) and (B), as determined under this paragraph, for each component member whose taxable year ends in 1975. Where an existing apportionment plan is effective under § 1.1561-3(a)(3) for December 31, 1974 (or December 31, 1975), the additional information required under this subparagraph may be provided in an amendment of the existing plan as provided in § 1.1563-3(c).

(c) *Accumulated earnings credit.* (1) Except as provided in subparagraph (2) of this paragraph, if a corporation is a

component member of a controlled group on a December 31, the amount for purposes of computing the accumulated earnings credit under section 535(c)(2) and (3) of such corporation shall be an amount equal to \$150,000 divided by the number of corporations which are component members of such group on such December 31. In the case of a controlled group of corporations which includes component members which join in the filing of a consolidated return and other component members which do not join in the filing of such a return, each component member of the controlled group (including each component member which joins in filing the consolidated return) shall be treated as a separate corporation for purposes of equally apportioning the \$150,000 amount under this subparagraph. In such case, the amount for purposes of computing the accumulated earnings credit for the component members filing the consolidated return shall be the sum of the amounts apportioned to each component member which joins in filing the consolidated return.

(2) If, with respect to any component member of the controlled group, the amount determined under subparagraph (1) of this paragraph exceeds the sum of (i) such member's accumulated earnings and profits as of the close of the preceding taxable year, plus (ii) such member's earnings and profits for the taxable year which are retained (within the meaning of section 535(c)(1)), then any such excess shall be subtracted from the amount determined under subparagraph (1) of this paragraph with respect to such member and shall be divided

equally among those remaining component members of the controlled group that do not have such an excess (until no such excess remains to be divided among those remaining members that have not had such an excess). The excess so divided among such remaining members shall be added to the amount determined under subparagraph (1) with respect to such members. If a controlled group of corporations includes component members which join in the filing of a consolidated return and other component members which do not join in filing such return, the component members filing the consolidated return shall be treated as a single corporation for purposes of this subparagraph.

(3) A controlled group may not adopt an apportionment plan, as provided in § 1.1561-3, with respect to the amounts computed under the provisions of this paragraph.

(4) The provisions of this paragraph may be illustrated by the following example:

Example. A controlled group is composed of four component member corporations, W, X, Y, and Z. Each corporation files a separate income tax return on the basis of a calendar year. The sum of the earnings and profits for the taxable year ending December 31, 1975, which are retained plus the sum of the accumulated earnings and profits (as of the close of the preceding taxable year) is \$15,000, \$75,000, \$37,500, and \$300,000 for W, X, Y, and Z, respectively. The amounts determined under this paragraph for W, X, Y, and Z for 1975 are \$15,000, \$48,750, \$37,500, and \$48,750, respectively, computed as follows:

	Component members			
	W	X	Y	Z
Earnings and profits	\$15,000	\$75,000	\$37,500	\$300,000
Amount computed under subparagraph (1)	27,500	37,500	37,500	27,500
Excess		0	0	0
Allocation of excess		7,500	7,500	7,500
New excess			7,500	
Reallocation of new excess		3,750		3,750
Amount to be used for purposes of section 535(c)(2) and (3)	15,000	48,750	37,500	48,750

(d) *Small business deduction of life insurance companies.* (1) Except as provided in subparagraph (2) of this paragraph, if two or more life insurance companies which are taxable under section 802 are component members of a controlled group of corporations on a December 31, the amount for purposes of computing the limitation on the small business deduction under sections 804(a)(4) and 809(d)(10) of such corporations for their taxable years which include such December 31 shall be an amount equal to \$25,000 divided by the number of life insurance companies taxable under section 802 which are component members of such group on such December 31.

(2) If, with respect to any of the component members of the controlled group which are described in subparagraph (1) of this paragraph, the amount determined under such subparagraph exceeds 10 percent of such member's investment

yield (as defined in section 804(c)), then any such excess shall be subtracted from the amount determined under subparagraph (1) of this paragraph with respect to such member and shall be divided equally among those remaining life insurance company members of the controlled group that do not have such an excess (until no such excess remains to be divided among those remaining members that have not had such an excess). The excess so divided among such remaining members shall be added to the amount determined under subparagraph (1) with respect to such members.

(3) A controlled group may not adopt an apportionment plan, as provided in § 1.1561-3, with respect to the amounts computed under the provisions of this paragraph.

(e) *Certain short taxable years.* (1) If the return of a corporation is for a short period which does not include a December 31, and such corporation is a

component member of a controlled group of corporations with respect to such short period, then for purposes of subtitle A of the Code—

(i) The surtax exemption under section 11(d) of such corporation for such short period shall be an amount equal to \$25,000 (\$50,000 in the case of a taxable year ending in 1975), divided by the number of corporations which are component members of such controlled group on the last day of such short period;

(ii) The amount to be used in computing the accumulated earnings credit under section 535(c) (2) and (3) of such corporation for such short period shall be an amount equal to \$150,000 divided by the number of corporations which are members of such controlled group on the last day of such short period; and

(iii) The amount to be used in computing the limitation on the small business deduction of life insurance companies under sections 804(a)(4) and 809(d)(10) of such corporation for such short period shall not exceed an amount equal to \$25,000 divided by the number of life insurance companies taxable under section 802 which are component members of the controlled group on the last day of such short period.

For purposes of the preceding sentence, the term "short period" does not include any period if the income for such period is required to be included in a consolidated return under § 1.1502-76. The determination of whether a corporation is a component member of a controlled group of corporations on the last day of a short period is made by applying the definition of "component member" contained in section 1563(b) and § 1.1563-1 as if the last day of such short period were a December 31 occurring after December 31, 1974.

(2) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). On January 2, 1977, corporation X transfers cash to newly formed corporation Y (which begins business on that date) and receives all the stock of Y in return. X also owns all the stock of corporation Z on each day of 1976 and 1977. X uses the calendar year as its taxable year and Z uses a fiscal year ending on August 31. Y adopts a fiscal year ending on June 30 as its annual accounting period and, therefore, files a return for the short taxable year beginning on January 2, 1977, and ending on June 30, 1977. On June 30, 1977, Y is a component member of a parent-subsidiary controlled group of corporations of which X, Y, and Z are component members. Accordingly, the surtax exemption of Y for the short taxable year ending on June 30, 1977, is \$8,333.33 (\$25,000 ÷ 3). On December 31, 1977, X, Y, and Z are component members of a parent-subsidiary controlled group of corporations. Accordingly, the surtax exemption of each such corporation for its taxable year including December 31, 1977 (i.e., X's calendar year ending December 31, 1977, Z's fiscal year ending August 31, 1978, and Y's fiscal year ending June 30, 1978) is \$8,333.33 (\$25,000 ÷ 3), or, if an apportionment plan is filed under § 1.1561-3, the amount apportioned pursuant to such plan.

Example (2). On January 1, 1977, corporation P owns all the stock of corpora-

tions S-1, S-2, and S-3. P, S-1, S-2, and S-3 file separate returns on a calendar year basis. On July 31, 1977, S-1 is liquidated and therefore files a return for the short taxable year beginning on January 1, 1977, and ending on July 31, 1977. On August 31, 1977, S-2 is liquidated and therefore files a return for the short taxable year beginning on January 1, 1977, and ending on August 31, 1977. On July 31, 1977, S-1 is a component member of a parent-subsidiary controlled group of corporations of which P, S-1, S-2, and S-3 are component members. Accordingly, the surtax exemption under section 11(d) of S-1 for the short taxable year ending on July 31, 1977, is \$8,250 (\$25,000 ÷ 3). On August 31, 1977, S-2 is a component member of a parent-subsidiary controlled group of corporations of which P, S-2, and S-3 are component members. Accordingly, the surtax exemption of S-2 for the short taxable year ending on August 31, 1977, is \$8,333.33 (\$25,000 ÷ 3). On December 31, 1977, P and S-3 are component members of a parent-subsidiary controlled group of corporations. Accordingly, the surtax exemption of each such corporation for the calendar year 1977 is \$12,500 (\$25,000 ÷ 2), or, if an apportionment plan is filed under § 1.1561-3, the amount apportioned pursuant to such plan.

§ 1.1561-3 Apportionment of surtax exemption.

(a) *In general.* (1) (i) In the case of corporations which are component members of a controlled group of corporations on a December 31, the single \$25,000 (\$50,000 in the case of a taxable year ending in 1975) surtax exemption under section 11(d) may be apportioned among such members (for the taxable year of each such member which includes such December 31) if all such members consent, in the manner provided in paragraph (b) of this section, to an apportionment plan with respect to such December 31. Such plan shall provide for the apportionment of a fixed dollar amount to one or more of such members, but except as provided in § 1.1561-2(a) (4) (ii), in no event shall the sum of the amounts so apportioned exceed \$25,000. An apportionment plan shall not be considered as adopted with respect to a particular December 31 until each component member which is required to consent to the plan under paragraph (b) (1) of this section files the original of a statement described in such paragraph (or, the original of a statement incorporating its consent is filed on its behalf). In the case of a return filed before a plan is adopted, the surtax exemption for purposes of such return shall be equally apportioned in accordance with the rules provided in paragraph (a) (1) (i) of § 1.1561-2. (ii) A valid apportionment plan is adopted after the return is filed and within the time prescribed by subparagraph (2) of this paragraph, such return should be amended (or a claim for refund should be made) to reflect the change from equal apportionment.)

(ii) For apportionment of surtax exemption for certain taxable years ending in 1975, see § 1.1561-2(a) (4) (ii). For allocation of amounts of taxable income subject to normal tax for taxable years ending in 1975, see § 1.1561-2(b) (3).

(2) A controlled group may adopt an apportionment plan with respect to a particular December 31 only if, at the time such plan is sought to be adopted, there is at least one year remaining in the statutory period (including any extensions thereof) for the assessment of a deficiency against any corporation the tax liability of which would be increased by the adoption of such plan. If there is less than one year remaining with respect to any such corporation, the director of the service center with which such corporation files its income tax return will ordinarily, upon request, enter into an agreement to extend such statutory period for the limited purpose of assessing any deficiency against such corporation attributable to the adoption of such apportionment plan.

(3) (i) The amount apportioned to a component member of a controlled group of corporations in an apportionment plan adopted with respect to a particular December 31 shall constitute such member's surtax exemption for its taxable year including the particular December 31, and for all taxable years of such members including succeeding December 31's, unless the apportionment plan is amended in accordance with paragraph (c) of this section or is terminated under subdivision (ii) of this subparagraph. Thus, the apportionment plan (including any amendments thereof) has a continuing effect and need not be renewed annually.

(ii) If an apportionment plan is adopted with respect to a particular December 31, such plan shall terminate with respect to a succeeding December 31, if—

(a) The controlled group ceases to remain in existence during the calendar year ending on such succeeding December 31,

(b) Any corporation which was a component member of such group on the particular December 31 is not a component member of such group on such succeeding December 31, or

(c) Any corporation which was not a component member of such group on the particular December 31 is a component member of such group on such succeeding December 31.

An apportionment plan, once terminated with respect to a December 31, is no longer effective. Accordingly, unless a new apportionment plan is adopted, the surtax exemption of the component members of the controlled group for their taxable years which include such December 31 and all December 31's thereafter will be determined in accordance with the rules provided in paragraph (a) (1) (i) of § 1.1561-2.

(iii) For purposes of subdivision (ii) (a)—(a) A parent-subsidiary controlled group of corporations shall be considered as remaining in existence as long as its common parent corporation remains as a common parent.

(b) A brother-sister controlled group of corporations shall be considered as remaining in existence as long as the requirements of paragraph (a) (3) (i) of

§ 1.1563-1 continue to be satisfied with respect to at least two corporations, taking into account the stock ownership of only those five or fewer persons whose stock ownership was taken into account at the time the apportionment plan adopted by the component members of such group first became effective.

(c) A combined group of corporations shall be considered as remaining in existence as long as the brother-sister controlled group of corporations referred to in paragraph (a) (4) (i) of § 1.1563-1 in respect of such combined group remains in existence (within the meaning of (b) of this subdivision), and at least one such corporation is a common parent of a parent-subsidiary controlled group of corporations referred to in such paragraph (a) (4) (i).

(d) If, by reason of paragraph (a) (5) (i) of § 1.1563-1, two or more insurance companies subject to taxation under section 802 are treated as an insurance group separate from any corporations which are members of a controlled group described in paragraph (a) (2), (3), or (4) of § 1.1563-1, such insurance group shall be considered as remaining in existence as long as the controlled group described in paragraph (a) (2), (3), or (4) of such section, as the case may be, remains in existence (within the meaning of (a), (b), or (c) of this subdivision), and there are at least two insurance companies which satisfy the requirements of paragraph (a) (5) (i) of such section.

(iv) If an apportionment plan is terminated with respect to a particular December 31 by reason of an occurrence described in subdivision (ii) (b) or (c) of this subparagraph, each corporation which is a component member of the controlled group on such particular December 31 should, on or before the date it files its income tax return for the taxable year which includes such particular December 31, notify the service center with which it files such return of such termination. If an apportionment plan is terminated with respect to a particular December 31 by reason of an occurrence described in subdivision (ii) (a) of this subparagraph, each corporation which was a component member of the controlled group on the preceding December 31 should, on or before the date it files its income tax return for the taxable year which includes such particular December 31, notify the service center with which it files such return of such termination.

(b) *Consents to plan.* (1) (i) The consent of a component member (other than a wholly-owned subsidiary) to an apportionment plan with respect to a particular December 31 shall be made by means of a statement, signed by any person who is duly authorized to act on behalf of the consenting member, stating that such member consents to the apportionment plan with respect to such December 31. The statement shall set forth in name, address, taxpayer account number, and taxable year of the consenting component member, the amount apportioned to such member under the plan, and the service center where the original of the

statement is to be filed. The consent of more than one component member may be incorporated in a single statement. The original of a statement of consent shall be filed with the service center with which the component member of the group on such December 31 which has the taxable year ending first on or after such date filed its return for such taxable year. (If two or more component members have the same such taxable year, a statement of consent may be filed with the service center with which the return for any such taxable year is filed.) The original of a statement of consent shall have attached thereto information (referred to in this paragraph as "group identification") setting forth the name, address, taxpayer account number, and taxable year of each component member of the controlled group on such December 31 (including wholly-owned subsidiaries) and the amount apportioned to each such member under the plan. If more than one original statement is filed, a statement may incorporate the group identification by reference to the name, address, taxpayer account number, and taxable year of a component member of the group which has attached such group identification to the original of its statement.

(ii) Each component member of the group on such December 31 (other than wholly-owned subsidiaries) should attach a copy of its consent (or a copy of the statement incorporating its consent) to the income tax return, amended return, or claim for refund filed with its service center for the taxable year including such date. Such copy shall either have attached thereto information on group identification or shall incorporate such information by reference to the name, address, taxpayer account number, and taxable year of a component member of the group which has attached such information to its income tax return, amended return, or claim for refund filed with the same service center for the taxable year including such date.

(2) (i) Each component member of a controlled group which is a wholly-owned subsidiary of such group with respect to a December 31 shall be deemed to consent to an apportionment plan with respect to such December 31, provided each component member of the group which is not a wholly-owned subsidiary consents to the plan. For purposes of this section, a component member of a controlled group shall be considered to be a wholly-owned subsidiary of the group with respect to a December 31 if, on each day preceding such date during its taxable year which includes such date, all of its stock is owned directly by one or more corporations which are component members of the group on such December 31.

(ii) Each wholly-owned subsidiary of a controlled group with respect to a December 31 should attach a statement containing the information which is required to be set forth in a statement of consent to an apportionment plan with respect to such December 31 to the income tax return, amended return, or claim for re-

fund filed with its service center for the taxable year which includes such date. Such statement should either have attached thereto information on group identification or incorporate such information by reference to the name, address, taxpayer account number, and taxable year of a component member of the group which has attached such information to its income tax return, amended return, or claim for refund filed with the same service center for the taxable year including such date.

(c) *Amendment of plan.* An apportionment plan adopted with respect to a December 31 by a controlled group of corporations may be amended with respect to such December 31, or with respect to any succeeding December 31 for which the plan is effective under paragraph (a) (3) of this section. An apportionment plan must be amended with respect to a particular December 31 and the amendments to the plan shall be effective only if adopted in accordance with the rules prescribed in this section for the adoption of an original plan with respect to such December 31.

(d) *Component members filing consolidated returns.* If the component members of a controlled group of corporations on a December 31 include corporations which join in the filing of a consolidated return, the corporations filing the consolidated return shall be treated as a single component member for purposes of this section. Thus, for example, only one consent, executed by the common parent, to an apportionment plan filed pursuant to this section is required on behalf of the component members filing the consolidated return.

PAR. 8. Section 1.1562 is amended by revising the historical note to read as follows:

§ 1.1562 Statutory provisions; privilege of groups to elect multiple surtax exemptions.

[Sec. 1562 as added by sec. 235(a) Rev. Act 1964 (78 Stat. 116); as amended by sec. 401(b) (2) (A), Tax Reform Act 1969 (83 Stat. 602); repealed by sec. 401(a) (2), Tax Reform Act 1969 (83 Stat. 600) for taxable years beginning after December 31, 1974]

PAR. 9. The following new section is added immediately after § 1.1562.

§ 1.1562-0 Effective date.

The provisions of §§ 1.1562-1 through 1.1562-7 apply only to taxable years beginning before January 1, 1975.

[FR Doc. 75-26550 Filed 10-2-75; 8:45 am]

REGULATIONS RELATING TO MINIMUM PARTICIPATION STANDARDS Notice of Proposed Rulemaking

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate.

Prior to the final adoption of such regulations, consideration will be given to any comments pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by November 3, 1975. Pursuant to 26 CFR 601.601(b), designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, persons submitting written comments should not include therein material that they consider to be confidential or inappropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice of proposed rule making is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.702(d)(9). Any person submitting written comments who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit a request, in writing, to the Commissioner by November 3, 1975. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the Federal Register, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in sections 410 and 7805 of the Internal Revenue Code of 1954 (88 Stat. 898, 68A Stat. 917; 26 U.S.C. 410, 7805).

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) in order to conform such regulations to reflect the enactment of section 410 of the Internal Revenue Code of 1954 by section 1011 of the Employee Retirement Income Security Act of 1974 (88 Stat. 898) (hereinafter referred to as the "Act").

The proposed regulations contained in this document will also apply for purposes of section 202 of such Act (88 Stat. 853).

Section 410 of the Code prescribes minimum participation standards which are qualification requirements for pension, stock bonus, or profit-sharing plans (and their related trusts). These qualification requirements also apply to custodial accounts, annuity plans, and bond purchase plans described in sections 401(f), 404(a)(2), and 405(a), respectively, of the Code.

Proposed § 1.410 (a)-1 (c) provides that section 410 does not apply to governmental plans, certain church plans, plans not providing for employer contributions after September 2, 1974, and certain plans described in section 501 (c) (8) or (9) of the Code.

Proposed § 1.410(a)-2 provides the effective dates for the proposed regulations under section 410. In general, these

rules apply to plans in existence on January 1, 1974, for plan years beginning after December 31, 1975, and to other plans for plan years beginning after September 2, 1974.

Proposed § 1.410(a)-3 provides generally that a plan is not qualified if the plan requires as a condition of plan participation that an employee complete a period of service extending beyond the later of two dates:

- (1) the date the employee attains age 25, or
- (2) the date the employee completes 1 year of service.

Paragraphs (b) and (c) of proposed § 1.410 (a)-3 provide special rules for plans with 100 percent vesting after 3 years of service and plans for employees of certain educational institutions. The proposed regulations make it clear that employees can be excluded for conditions other than age and service conditions.

Paragraph (e) of proposed § 1.410 (a)-3 takes the position that plan provisions which have the effect of requiring an age or service requirement will be treated as imposing an age or service requirement even though such provisions do not refer to age or service.

Proposed § 1.410 (a)-4 (a) sets forth another qualification requirement which prohibits plans from imposing a maximum age condition for participation. This requirement is inapplicable to a defined benefit or a target benefit plan if the employee is hired within 5 years of his normal retirement age.

Proposed § 1.410 (a)-4 (b) sets forth another qualification requirement for when plan participation must commence. Under this rule, once an employee has satisfied the plan's minimum age and service requirements, he must begin his plan participation by the earlier of (1) the date 6 months after the requirements are satisfied or (2) the beginning of the next plan year after the requirements are satisfied.

Proposed § 1.410(a)-5 set forth rules for years of service and breaks of service which are used in computing an employee's service under a plan.

Proposed § 1.410(a)-6 sets forth a special rule with respect to a plan's break in service rules. This provision places certain limitations on plan amendments to its break in service rules for the period between January 1, 1974, and the time section 410 applies to the plan.

Proposed § 1.410(b)-1 sets forth another qualification requirement under which a plan must cover certain employees. In general, this requirement is the same as the pre-Act coverage requirement under section 401(a)(3) of the Code. The Act did make several changes, which are set forth in the proposed regulations.

The most significant change is to allow a plan to exclude certain classes of employees from consideration in applying the percentage or nondiscriminatory coverage tests. Among the excluded classes are certain employees covered by a collective bargaining agreement, persons not covered by an agreement involving certain air pilots, and certain nonresident aliens.

Proposed § 1.410(d)-1 sets forth the manner in which certain church plans may elect to have the minimum participation, vesting, funding, etc., provisions apply to the plan. Certain regulations prescribed by the Secretary of Labor are applicable for purposes of section 410 and the proposed regulations thereunder.

Proposed amendments to the regulations.

In order to conform the Income Tax Regulations (26 CFR Part 1) to reflect the addition of section 410 to the Internal Revenue Code, such regulations are amended as follows:

PARAGRAPH 1. The following new sections are added immediately after § 1.405-3:

§ 1.410 Statutory provisions; minimum participation standards; participation.

Sec. 410. Minimum participation standards.

(a) *Participation—(1) Minimum age and service conditions—(A) General rule.* A trust shall not constitute a qualified trust under section 401 (a) if the plan of which it is a part requires, as a condition of participation in the plan, that an employee complete a period of service with the employer or employers maintaining the plan extending beyond the later of the following dates—

- (i) The date on which the employee attains the age of 25; or

- (ii) The date on which he completes 1 year of service.

(B) Special rules for certain plans.

(1) In the case of any plan which provides that after not more than 3 years of service each participant has a right to 100 percent of his accrued benefit under the plan which is nonforfeitable (within the meaning of section 411) at the time such benefit accrues, clause (ii) of subparagraph (A) shall be applied by substituting "3 years of service" for "1 year of service".

(2) In the case of any plan maintained exclusively for employees of an educational institution (as defined in section 170(b)(1)(A)(ii) by an employer which is exempt from tax under section 501(c)(3) which provides that each participant having at least 1 year of service has a right to 100 percent of his accrued benefit under the plan which is nonforfeitable (within the meaning of section 411) at the time such benefit accrues, clause (i) of subparagraph (A) shall be applied by substituting "30" for "25". This clause shall not apply to any plan to which clause (1) applies.

(3) *Maximum age conditions.* A trust shall not constitute a qualified trust under section 401(a) if the plan of which it is a part excludes from participation (on the basis of age) employees who have attained a specified age, unless—

(A) The plan is a—

- (i) Defined benefit plan, or
- (ii) Target benefit plan (as defined under regulations prescribed by the Secretary or his delegate), and

(B) Such employees begin employment with the employer after they have attained a specified age which is not more than 5 years before the normal retirement age under the plan.

(3) Definition of year of service.

(A) *General rule.* For purposes of this subsection, the term "year of service" means a 12-month period during which the employee has not less than 1,000 hours of service.

For purposes of this paragraph, computation of any 12-month period shall be made with reference to the date on which the employee's employment commenced, except that, under regulations prescribed by the Secretary of Labor, such computation may be made by reference to the first day of a plan year in the case of an employee who does not complete 1,000 hours of service during the 12-month period beginning on the date his employment commenced.

(B) *Seasonal industries.* In the case of any seasonal industry where the customary period of employment is less than 1,000 hours during a calendar year, the term "year of service" shall be such period as may be determined under regulations prescribed by the Secretary of Labor.

(C) *Hours of service.* For purposes of this subsection, the term "hour of service" means a time of service determined under regulations prescribed by the Secretary of Labor.

(D) *Maritime industries.* For purposes of this subsection, in the case of any maritime industry, 125 days of service shall be treated as 1,000 hours of service. The Secretary of Labor may prescribe regulations to carry out this subparagraph.

(4) *Time of participation.* A plan shall be treated as not meeting the requirements of paragraph (1) unless it provides that any employee who has satisfied the minimum age and service requirements specified in such paragraph, and who is otherwise entitled to participate in the plan, commences participation in the plan no later than the earlier of—

(A) The first day of the first plan year beginning after the date on which such employee satisfied such requirements, or

(B) The date 6 months after the date on which he satisfied such requirements, unless such employee was separated from the service before the date referred to in subparagraph (A) or (B), whichever is applicable.

(5) *Breaks in service.*

(A) *General rule.* Except as otherwise provided in subparagraphs (B), (C), and (D), all years of service with the employer or employers maintaining the plan shall be taken into account in computing the period of service for purposes of paragraph (1).

(B) *Employees under 3-year 100 percent vesting.* In the case of any employee who has any 1-year break in service (as defined in section 411(a)(A)) under a plan to which the service requirements of clause (1) of paragraph (1)(B) apply, if such employee has not satisfied such requirements, service before such break shall not be required to be taken into account.

(C) *1-year break in service.* In computing an employee's period of service for purposes of subsection (a)(1) in the case of any participant who has any 1-year break in service (as defined in section 411(a)(6)(A)), service before such break shall not be required to be taken into account under the plan until he has completed a year of service (as defined in paragraph (3)) after his return.

(D) *Nonvested participants.* In the case of a participant who does not have any nonforfeitable right to an accrued benefit derived from employer contributions, years of service with the employer or employers maintaining the plan before a break in service shall not be required to be taken into account in computing the period of service for purposes of subsection (a)(1) if the number of consecutive 1-year breaks in service equals or exceeds the aggregate number of such years of service before such break. Such aggregate number of years of service before such break shall be deemed not to include any years of service not required to be taken into account under this subparagraph by reason of any prior break in service.

[Section 410(a) added by sec. 1011, Employee Retirement Income Security Act 1974 (88 Stat. 898)]

§ 1.410(a)-1 Minimum participation standards; general rules.

(a) *In general.* A plan is not a qualified plan (and a trust forming a part of such plan is not a qualified trust) unless the plan satisfies—

(1) The minimum age and service requirements of section 410(a)(1) and § 1.410(a)-3.

(2) The maximum age requirements of section 410(a)(2) and § 1.410(a)-4, and

(3) The minimum coverage requirements of section 410(b)(1) and § 1.410(b)-1.

(b) *Organization of regulations relating to minimum participation standards—(1) General rules.* This section prescribes general rules relating to the minimum participation standards provided by section 410.

(2) *Effective dates.* Section 1.410(a)-2 provides rules under section 1017 of the Employee Retirement Income Security Act of 1974 relating to effective dates under section 410.

(3) *Age and service conditions.* Section 1.410(a)-3 provides rules under section 410(a)(1) relating to minimum age and service conditions.

(4) *Maximum age and time of participation.* Section 1.410(a)-4 provides rules under section 410(a)(2) and (4) relating to maximum age and time of participation.

(5) *Year of service; breaks in service.* For rules relating to years of service and breaks in service, see 29 CFR Part 2530 (Department of Labor regulations relating to minimum standards for employee pension benefit plans). See § 1.410(a)-5 for rules under section 410(a)(3)(B) relating to seasonal industries and for certain rules under section 410(a)(5) relating to breaks in service.

(6) *Breaks in service.* Section 1.410(a)-6 provides special rules under section 1017(f) of the Employee Retirement Income Security Act of 1974 relating to amendment of break in service rules.

(7) *Coverage.* Section 1.410(b)-1 provides rules relating to the minimum coverage requirements provided by section 410(b)(1).

(8) *Church election.* Section 1.410(d)-1 provides rules relating to the election by a church to have participation, vesting, funding, etc., provisions apply.

(c) *Application of participation standards to certain plans—(1) General rule.* Except as provided in subparagraph (2) of this paragraph, section 410 does not apply to—

(i) A governmental plan (within the meaning of section 414(d) and the regulations thereunder),

(ii) A church plan (within the meaning of section 414(e) and the regulations thereunder) which has not made the elections provided by section 410(d) and the regulations thereunder,

(iii) A plan which has not provided for employer contributions at any time after September 2, 1974, and

(iv) A plan established and maintained by a society, order, or association described in section 501(c)(8) or (9); if no part of the contributions to or under such plan are made by employers of participants in such plan.

(2) *Participation requirements.* A plan described in subparagraph (1) of this paragraph shall, for purposes of section 401(a), be treated as meeting the requirements of section 410 if such plan meets the coverage requirements resulting from the application of section 401(a)(3) as in effect on September 1, 1974.

§ 1.410(a)-2 Effective dates.

(a) *Plans not in existence on January 1, 1974.* Under section 1017(a) of the Employee Retirement Income Security Act of 1974, in the case of a plan which was not in existence on January 1, 1974, section 410 and the regulations thereunder apply for plan years beginning after September 2, 1974. See paragraph (c) of this section for time plan is considered in existence.

(b) *Plans in existence on January 1, 1974.* Under section 1017(b) of the Employee Retirement Income Security Act of 1974, in the case of a plan which was in existence on January 1, 1974, section 410 and the regulations thereunder apply for plan years beginning after December 31, 1975. See paragraph (c) of this section for time plan is considered to be in existence.

(c) *Time of plan existence—(1) General rule.* For purposes of this section, a plan is considered to be in existence on a particular day if—

(i) The plan on or before that day was reduced to writing and adopted by the employer (including, in the case of a corporate employer, formal approval by the employer's board of directors and, if required, shareholders), even though no amounts had been contributed under the plan as of such day, and

(ii) The plan was not terminated on or before that day.

(2) *Collectively bargained plan.* Notwithstanding subparagraph (1) of this paragraph, a plan described in section 413(a), relating to a plan maintained pursuant to a collective bargaining agreement, is considered to be in existence on a particular day if—

(i) On or before that day there is a legally enforceable agreement to establish such a plan signed by the employer, and

(ii) The employer contributions to be made to the plan are set forth in the agreement.

(3) *Special rule.* If a plan is considered to be in existence on January 1, 1974, under subparagraph (1) of this paragraph, any other plan with which such existing plan is merged or consolidated shall also be considered to be in existence on such date.

(d) *Certain existing plans may elect new provisions—(1) In general.* The plan administrator (as defined in section 414(g)) of a plan that was in existence on January 1, 1974, may elect to have the provisions of the Code relating

to participation, vesting, funding, and form of benefit (as in effect from time to time) apply to a plan year selected by the plan administrator which begins after September 2, 1974, but before the otherwise applicable effective dates determined under section 1017 (b) or (c), 1021, or 1024 of the Employee Retirement Income Security Act of 1974, and to all subsequent plan years. The provisions referred to are the amendments to the Code made by sections 1011, 1012, 1013, 1015, 1016(a) (1) through (11) and (13) through (27), 1021, and 1022(b) of the Employee Retirement Income Security Act of 1974.

(2) *Election is irrevocable.* Any election made under this paragraph, once made, shall be irrevocable.

(3) *Procedure and time for making election.* An election under this paragraph shall be made by attaching a statement to either the annual return required under section 6058(a) (or an amended return) with respect to the plan which is filed for the first plan year for which the election is effective or to a written request for a determination letter relating to the qualification of the plan under section 401(a), 403(a), or 405(a) of the Code and, if trustee, the exempt status under section 501(a) of the Code of a trust constituting a part of the plan. If the election is made with a written request for a determination letter, the election may be conditioned upon issuance of a favorable determination letter and will become irrevocable upon issuance of such letter. The statement shall indicate that the election is made under section 1017(d) of the Employee Retirement Income Security Act of 1974 and the first plan year for which the election is effective.

(e) *Examples.* The rules of this section are illustrated by the following examples:

Example (1). A plan is adopted on January 2, 1974, effective as of January 1, 1974. The plan is not considered to have been in existence on January 1, 1974.

Example (2). A plan was in existence on January 1, 1974, and was amended on November 1, 1974, to increase benefits. The fact that the plan was amended is not relevant and the amended plan is considered to be in existence on January 1, 1974.

Example (3). (i) A subsidiary business corporation is a member of a controlled group of corporations within the meaning of IRC section 1563(a). On November 1, 1974, the plan of the parent corporation is amended to provide coverage for employees of the subsidiary corporation. This amendment of the parent corporation's plan does not affect the effective date of section 410 with respect to the parent corporation's plan. No distinction is made for this purpose between employees of the parent corporation and employees of the subsidiary corporation.

(ii) If the subsidiary adopted a separate plan on November 1, 1974, under paragraph (a) of this section, section 410 would apply to that plan for its first plan year beginning after September 2, 1974. However, the adoption of a different plan by the subsidiary would not affect the time section 410 applies to the plan of the parent corporation. If, instead of adopting its own separate plan, the subsidiary merely executed

an adoption agreement under the terms of the parent plan providing that a subsidiary, upon the execution of an adoption agreement, will become part of the parent plan, the effective date of section 410 with respect to such plan will not be affected by the adoption of the plan by the subsidiary.

§ 1.410(a)-3 Minimum age and service conditions.

(a) *General rule.* Except as provided by paragraph (b) or (c) of this section, a plan is not a qualified plan (and a trust forming a part of such plan is not a qualified trust) if the plan requires, as a condition of participation in the plan, that an employee complete a period of service with the employer or employers maintaining the plan extending beyond the later of—

(1) *Age 25.* The date on which the employee attains the age of 25; or

(2) *One year of service.* The date on which the employee completes 1 year of service.

(b) *Special rule for plan with 3 year-100 percent vesting.* A plan which provides that after not more than 3 years of service each participant's right to his accrued benefit under the plan is completely nonforfeitable (within the meaning of section 411 and the regulations thereunder) at the time such benefit accrues satisfies the requirements of paragraph (a) of this section if the period of service required by the plan as a condition of participation does not extend beyond the later of—

(1) *Age 25.* The date on which the employee attains the age of 25; or

(2) *Three years of service.* The date on which the employee completes 3 years of service.

(c) *Special rule for employees of certain educational institutions.* A plan maintained exclusively for employees of an educational institution (as defined in section 170(b) (1) (A) (ii)) by an employer exempt from tax under section 501(c)(3) which provides that after 1 year of service each participant's right to his accrued benefit under the plan is completely nonforfeitable (within the meaning of section 411 and the regulations thereunder) at the time such benefit accrues satisfies the requirements of paragraph (a) of this section if the period of service required by the plan as a condition of participation does not extend beyond the later of—

(1) *Age 30.* The date on which the employee attains the age of 30; or

(2) *One year of service.* The date on which the employee completes 1 year of service.

(d) *Other conditions.* Section 410(a), § 1.410(a)-4, and this section relate solely to age and service conditions and do not preclude a plan from establishing conditions, other than conditions relating to age or service, which must be satisfied by plan participants. For example, such provisions would not preclude a qualified plan from requiring, as a condition of participation, that an employee be employed within a specified job classification. See section 410(b) and the regulations thereunder for rules with respect

to coverage of employees under qualified plans.

(e) *Age and service requirements—(1) General rule.* For purposes of applying the rules of this section, plan provisions may be treated as imposing age or service requirements even though such provisions do not specifically refer to age or service. Plan provisions which have the effect of requiring an age or service requirement with the employer or employers maintaining the plan will be treated as if they imposed an age or service requirement.

(2) *Examples.* The rules of this paragraph are illustrated by the following examples:

Example (1). Corporation A is divided into two divisions. In order to work in division 2 an employee must first have been employed in division 1 for 5 years. A plan provision which required division 2 employment for participation will be treated as a service requirement because such a provision has the effect of requiring 5 years of service.

Example (2). Plan B requires as a condition of participation that each employee have had a driver's license for 15 years or more. This provision will be treated as an age requirement because such a provision has the effect of requiring an employee to attain a specified age.

Example (3). A plan which requires 1 year of service as a condition of participation also excludes a part-time or seasonal employee if his customary employment is for not more than 20 hours per week or 5 months in any plan year. The plan does not qualify because the provision could result in the exclusion by reason of a minimum service requirement of an employee who has completed a year of service. The plan would not qualify even though after excluding all such employees, the plan satisfied the coverage requirements of section 410(b).

Example (4). Employer A establishes a plan which covers employees who have retired and which does not cover current employees. The plan fails to satisfy the requirements of section 410(a) because the plan imposes a minimum age and service requirement in excess of that allowed by this section.

§ 1.410(a)-4 Maximum age conditions and time of participation.

(a) *Maximum age conditions—(1) General rule.* A plan is not a qualified plan (and a trust forming a part of such plan is not a qualified trust) if the plan excludes from participation (on the basis of age) an employee who has attained an age specified by the plan unless—

(i) The plan is a defined benefit plan or a target benefit plan, and

(ii) The employee begins employment with the employer after the employee has attained an age specified by the plan, which age is not more than 5 years before normal retirement age (within the meaning of section 411(a) (8) and § 1.411(a)-7). For purposes of this paragraph, a target benefit plan is a defined contribution plan under which the amount of employer contributions allocated to each participant is determined under a plan formula which does not allow employer discretion and on the basis of the amount necessary to provide a target benefit specified by the plan for such participant. Such target benefit must be the type of benefit which is provided by a defined

benefit plan and the targeted benefit must not discriminate in favor of employees who are officers, shareholders, or highly compensated. For purposes of this paragraph, in the determination of the time an employee begins employment, any such time which is included in a period of service which may be disregarded under the break in service rules need not be taken into account.

(2) *Examples.* The rules provided by this paragraph are illustrated by the following examples:

Example (1). A defined benefit plan provides that an employee will become a participant upon completion of 3 years of service if at such time the employee is less than age 60. The normal retirement age under the plan is age 65. The plan also provides full and immediate vesting for each of the plan's participants. Under the plan, an employee hired at age 58 would be denied participation on account of service for the first 3 years and on account of maximum age for the remaining years even though the employee was hired more than 5 years prior to the normal retirement date. The plan therefore does not satisfy section 410(a)(2).

Example (2). A defined benefit plan provides a normal retirement age of the later of age 65 or completion of 10 years of service. Because no employee could ever be hired within 5 years of his normal retirement age, the plan could not exclude employees for being over a specified age.

Example (3). Prior to the effective date of section 410, a defined benefit plan with a normal retirement age of 65 contained a maximum age 55 requirement for participation. Because of the maximum age requirement, an employee hired at age 58 was excluded from the plan. This employee is age 61 at the time that section 410 first applies to the plan. The employee cannot be excluded from participation because of age. The exclusion under section 410(a)(2) is not applicable in this instance because the employee's age at the time of hire, 58, was not within 5 years of the normal retirement age specified in the plan.

Example (4). Employee A was hired at age 50 and participated in a defined benefit plan until separating from service at age 55 with 5 years of service and with no vested benefit. At age 61, employee A was rehired within 5 years of the normal retirement age of 65 after he incurred 6 consecutive breaks in service. Because A's consecutive number of 1-year breaks (6) exceeds his years of service prior to such breaks (5), his service before the breaks may be disregarded. Consequently, A's initial employment date falling within such period may be disregarded and the plan could exclude A on account of his age because his employment commenced within 5 years of normal retirement age.

(b) *Time of participation—(1) General rule.* A plan is not a qualified plan (and a trust forming a part of such plan is not a qualified trust) unless under the plan any employee who has satisfied the applicable minimum age and service requirements specified in § 1.410(a)-3, and who is otherwise entitled to participate in the plan, commences participation in the plan no later than the earlier of—

(i) The first day of the first plan year beginning after the date on which such employee first satisfied such requirements, or

(ii) The date 6 months after the date on which he first satisfied such requirements,

unless such employee was separated from service and has not returned before the date referred to in subdivision (i) or (ii), whichever is applicable. If an employee's prior service is disregarded on account of the plan's break-in-service rules then, for purposes of this subparagraph, such service is also disregarded for purposes of determining the date on which such employee first satisfied the minimum age and service requirements.

(2) *Examples.* The rules provided by this paragraph are illustrated by the following examples:

Example (1). A calendar year plan provides that an employee may enter the plan only on the first semi-annual entry date, January 1 or July 1, after he has satisfied the applicable minimum age and service requirements specified in section 410(a)(1). The plan satisfies the requirements of this paragraph because an employee is eligible to participate no later than the earlier of (1) the first day of the first plan year beginning after he satisfied the applicable minimum age and service requirements, or (2) the date 6 months after he satisfied such requirements.

Example (2). A plan provides that an employee is not eligible to participate until the first day of the first plan year beginning after he has satisfied the minimum age and service requirements of section 410(a)(1). In this case, an employee who satisfies the "6 month" rule described in subparagraph (1) of this paragraph will not be eligible to participate in the plan. Therefore, the plan does not satisfy the requirements of this paragraph.

Example (3). A calendar year plan provides that an employee may enter the plan only on the first semi-annual entry date, January 1 or July 1, after he has satisfied the applicable minimum age and service requirements specified in section 410(a)(1). Employee A after 10 years of service separated from service in 1978 with a vested benefit. On February 1, 1990, A returns to employment covered by the plan. Assuming A completes a year of service after his return, A must participate immediately on his return. February 1, A's prior service cannot be disregarded, because he had a vested benefit when he separated from service. Therefore, the plan may not postpone his participation until July 1.

Example (4). Assume the same facts as in example (3). The plan has the break-in-service rule described in section 410(a)(5)(D) and § 1.410(a)-5(c)(4). Employee B, after he had 5 years of service but no vested benefit incurs 5 consecutive 1-year breaks. Because B's prior service can be disregarded, the plan may postpone B's participation in the plan under the rule described in section 410(a)(4) and this paragraph.

§ 1.410(a)-5 Year of service; break in service.

(a) *Year of service.* For the rules relating to years of service under subparagraphs (A), (C), and (D) of section 410(a)(3), see regulations prescribed by the Secretary of Labor under 29 CFR Part 2530, relating to minimum standards for employee pension benefit plans.

Such rules which relate, respectively, to a general rule, hours of service, and maritime industries apply for purposes of

section 410(a) and the regulations thereunder.

(b) *Seasonal industries.* [Reserved]

(c) *Breaks in service—(1) General rule.* This paragraph provides rules with respect to breaks in service under section 410(a)(5). Except as provided in subparagraphs (2), (3), (4), and (5) of this paragraph, all of an employee's years of service with the employer or employers maintaining a plan are taken into account in computing his period of service under the plan for purposes of section 410(a)(1) and § 1.410(a)-3.

(2) *Employees under 3-year 100 percent vesting schedule—(i) General rule.* In the case of an employee who incurs a 1-year break in service under a plan which provides that after not more than 3 years of service, each participant's right to his accrued benefit under the plan is completely nonforfeitable (within the meaning of section 411 and the regulations thereunder) at the time such benefit accrues, the employee's service before the break in service is not required to be taken into account after the break in service in determining the employee's years of service under section 410(a)(1) and § 1.410(a)-3 if such employee has not satisfied such service requirement.

(ii) *Example.* The rules of this subparagraph are illustrated by the following example:

Example. A qualified plan provides full and immediate vesting. The plan can not require as a condition of participation that an employee complete 3 consecutive years of service with the employer because the requirement as to consecutive years is not permitted under section 410(a)(5). However, such a plan can require 3 years without a break in service, i.e., 3 years with no intervening years in which the employee fails to complete more than 500 hours of service. Under a plan containing such a participation requirement, the following example illustrates when employees would become eligible to participate.

Year	Hours of service completed		
	Employee A	Employee B	Employee C
1.....	1,000	1,000	1,000
2.....	1,000	1,000	500
3.....	1,000	700	1,000
4.....	1,000	1,000	700
5.....	1,000	1,000	1,000
6.....	1,000	1,000	1,000

NOTE.—Employee A will have satisfied the plan's service requirement at the end of year 3, Employee B, at the end of year 4, and Employee C at the end of year 6.

(3) *One-year break in service—(i) In general.* In computing the period of service of an employee who has incurred a 1-year break in service, for purposes of section 410(a)(1) and § 1.410(a)-3, a plan may disregard the employee's service before the break until the employee completes a year of service after such break in service.

(ii) *Examples.* The rules provided by this subparagraph are illustrated by the following examples:

Example (1). Employee A completes a year of service under a plan for the 12-month

period ending December 31, 1980, and incur a 1-year break in service for the 12-month period ending December 31, 1981. The plan does not contain the provisions permitted by section 410(a)(5)(B) (relating to 3-year 100 percent vesting) and section 410(a)(5)(D) (relating to nonvested participants). Thereafter, he does not complete a year of service. As of January 1, 1982, in computing his period of service under the plan his service prior to December 31, 1981, is not required to be taken into account for purposes of section 410(a)(1) and § 1.410(a)-3.

Example (2). The employee in example (1) completes a year of service for the 12-month period ending December 31, 1982. Prior to December 31, 1982, in computing the employee's period of service as of any date occurring in 1982, the employee's service before December 31, 1981, is not required to be taken into account for purposes of section 410(a)(1) and § 1.410(a)-3. Because the employee completed a year of service for the 12-month period ending December 31, 1982, however, his period of service is redetermined as of January 1, 1982. Upon completion of a year of service for 1982, the employee's period of service, determined as of any date occurring in 1982, includes service prior to December 31, 1981.

(4) **Nonvested participants—(i) General rule.** In the case of a participant in a plan who does not have any nonforfeitable right under the plan to his employer-derived accrued benefit and who incurs a 1-year break in service, for purposes of section 410(a)(1) and § 1.410(a)-3 the plan may disregard his years of service prior to such break if the number of his consecutive 1-year breaks in service equals or exceeds his aggregate number of years of service prior to such break. The plan may in computing such aggregate numbers of years of service prior to such break disregard any years of service which could have been disregarded under this subparagraph by reasons of any prior break in service.

(ii) **Examples.** The rules of this subparagraph are illustrated by the following example:

Example. In 1980, A, who was hired at age 35, separates from the service of X Corporation after completing 4 years of service. At this time A had no vested benefits. In 1985, after incurring 5 consecutive one-year breaks in service, A was reemployed. Under section 410(a)(5)(D), A's 4 years of service may be disregarded because they are exceeded by the number of years of consecutive one-year breaks (5) after such service.

(c) **Special continuity rule for certain plans.** For special rules for computing years of service in the case of a plan maintained by more than one employer, see § 210 of 29 CFR Part 2530 (Department of Labor regulations relating to minimum standards for employee pension benefit plans).

§ 1.410(a)-6 Amendment of break in service rules; Transitional period.

(a) **In general.** Under section 1017(f)(1) of the Employee Retirement Income Security Act of 1974, a plan is not a qualified plan (and a trust forming a part of such plan is not a qualified trust) if the rules of the plan relating to breaks in service are amended, and—

(1) Such amendment is effective after January 1, 1974, and before the date on which section 410 becomes applicable to the plan, and

(2) Under such amendment, any employee's participation in the plan commences at any date later than the later of—

(i) The date on which his participation would commence under the break in service rules of section 410(a)(5), or

(ii) The earliest date on which his participation would commence under the plan as in effect on or after January 1, 1974.

(b) **Break in service rules.** For purposes of paragraph (a), the term "break in service rules" means the rules provided by a plan relating to circumstances under which a period of an employee's service or plan participation is disregarded for purposes of determining his rights to participate in the plan, if under such rules such service is disregarded by reason of the employee's failure to complete a required period of service within a specified period of time.

§ 1.410(b) Statutory provisions; minimum participation standards; eligibility.

Sec. 1.410. Minimum participation standards. * * *

(b) **Eligibility—(1) In general.** A trust shall not constitute a qualified trust under section 401(a) unless the trust, or two or more trusts, or the trust or trusts and annuity plan or plans are designated by the employer as constituting parts of a plan intended to qualify under section 401(a) which benefits either—

(A) 70 percent or more of all employees, or 80 percent or more of all the employees who are eligible to benefit under the plan if 70 percent or more of all the employees are eligible to benefit under the plan, excluding in each case employees who have not satisfied the minimum age and service requirements, if any, prescribed by the plan as a condition of participation, or

(B) Such employees as qualify under a classification set up by the employer and found by the Secretary or his delegate not to be discriminatory in favor of employees who are officers, shareholders, or highly compensated.

(2) **Exclusion of certain employees.** For purposes of paragraph (1), there shall be excluded from consideration—

(A) Employees not included in the plan who are included in a unit of employees covered by an agreement which the Secretary of Labor finds to be a collective bargaining agreement between employee representatives and one or more employers, if there is evidence that retirement benefits were the subject of good faith bargaining between such employee representatives and such employer or employers.

(B) In the case of a trust established or maintained pursuant to an agreement which the Secretary of Labor finds to be a collective bargaining agreement between air pilots represented in accordance with title II of the Railway Labor Act and one or more employers, all employees not covered by such agreement, and

(C) Employees who are nonresident aliens and who receive no earned income (within the meaning of section 911(b)) from the employer which constitutes income from sources within the United States (within the meaning of section 861(a)(3)).

Subparagraph (B) shall not apply in the case of a plan which provides contributions or benefits for employees whose principal duties are not customarily performed aboard aircraft in flight.

[Section 410(b) added by sec. 1011, Employee Retirement Income Security Act 1974 (88 Stat. 898)]

§ 1.410(b)-1 Minimum coverage requirements.

(a) **In general.** A plan is not a qualified plan (and a trust forming a part of such plan is not a qualified trust) unless the plan satisfies the requirements of section 410(b)(1). A plan satisfies the requirements of section 410(b)(1) if it satisfies the requirements of paragraph (b)(1) or (2) of this section. This section does not apply in the case of a plan which provides contributions or benefits for any individual who is an owner-employee (as defined in section 410(c)(3) and the regulations thereunder).

(b) **Coverage tests—(1) Percentage test.** A plan satisfies the requirements of this subparagraph if it benefits—

(i) Seventy percent or more of all employees, or

(ii) Eighty percent or more of all employees who are eligible to benefit under the plan if 70 percent or more of all the employees are eligible to benefit under the plan,

excluding in each case employees who have not satisfied the minimum age and service requirements (if any) prescribed by the plan, as of the date coverage is tested, as a condition of participation and employees permitted to be excluded under paragraph (c) of this section. The percentage requirements of this subparagraph refer to a percentage of active employees, including employees temporarily on leave, such as those in the Armed Forces of the United States, if such employees are eligible under the plan.

(2) **Classification test.** A plan satisfies the requirements of section 410(b)(1) and this subparagraph if it benefits such employees as qualify under a classification of employees set up by the employer, which classification is found by the Internal Revenue Service not to be discriminatory in favor of employees who are officers, shareholders, or highly compensated. For purposes of this subparagraph, except as provided by paragraph (c) of this section, all active employees (including employees who do not satisfy the minimum age or service requirements of the plan) are taken into account.

(c) **Exclusion of certain employees.** Under section 410(b)(2), for purposes of section 410(b)(1) and paragraph (b) of this section, there shall be excluded from consideration employees described in subparagraphs (1), (2), and (3) of this paragraph.

(1) **Bargaining unit.** Under section 410(b)(2)(A) and this paragraph, there may be excluded from consideration employees not included in the plan who are included in a unit of employees covered by an agreement which the Secretary of Labor finds to be a collective bargaining agreement between employee representatives and one or more employers, if the

Internal Revenue Service finds that retirement benefits were the subject of good faith bargaining between such employee representatives and such employer or employers. For purposes of determining whether such bargaining occurred, it is not material that such employees are not covered by another plan or that the plan was not considered in such bargaining.

(2) *Air pilots.* Under section 410(b) (2) (B) and this paragraph there may be excluded from consideration, in the case of a plan established or maintained pursuant to an agreement which the Secretary of Labor finds to be a collective bargaining agreement between air pilots represented in accordance with title II of the Railway Labor Act and one or more employers all employees not covered by such agreement. Section 410(b) (2) (B) and this subparagraph do not apply to a plan if the plan provides contributions or benefits for employees whose principal duties are not customarily performed aboard aircraft in flight.

(3) *Nonresident aliens.* Under section 410(b) (2) (C) and this paragraph, there may be excluded from consideration employees who are nonresident aliens and who receive no earned income (within the meaning of section 911(b) and the regulations thereunder) from the employer which constitutes income from sources within the United States (within the meaning of section 861(a) (3) and the regulations thereunder).

(d) *Special rules.*—(1) *Highly compensated.* The classification of an employee as highly compensated for purposes of section 410(b) (1) (B) and § 1.410(b)-1 (b) (2) is made on the basis of the facts and circumstances of each case, taking into account the level of the employee's compensation and the level of compensation paid by the employer to other employees, whether or not covered by the plan. Average compensation levels determined on a local, regional, or national basis, are not relevant for this purpose. Further, the classification of an employee as highly compensated is not made solely on the basis of the number or percentage of employees whose compensation exceeds, or is exceeded by, the employee's.

(2) *Discrimination.* The determination as to whether a plan discriminates in favor of employees who are officers, shareholders, or highly compensated, is made on the basis of the facts and circumstances of each case, allowing a reasonable difference between the percentage of such employees benefited by the plan to all employees benefited by the plan and the percentage of all such employees of the employer to all employees of the employer. A showing that a specified percentage of employees covered by a plan are not officers, shareholders, or highly compensated, without a showing that the difference (if any) between such percentage and the percentage of all employees who are not officers, shareholders, or highly compensated is reasonable,

is not sufficient to establish that the plan does not discriminate in favor of employees who are officers, shareholders, or highly compensated.

(3) *Multiple plans.*—(i) An employer may designate two or more plans as constituting a single plan which is intended to qualify for purposes of section 410(b) (1) and this section, in which case all plans so designated shall be considered as a single plan in determining whether the requirements of such section are satisfied by each of the separate plans. A determination that the combination of plans so designated does not satisfy such requirements does not preclude a determination that one or more of such plans, considered separately, satisfies such requirements.

(ii) Notwithstanding subdivision (i) of this subparagraph, a plan which is subject to the limitations of section 401 (a) (17) of the Code or section 301(d) (3) of the Tax Reduction Act of 1975 cannot be considered with any other plan which covers any employee covered by such plan.

(4) *Profit-sharing plans.* Employees under a profit-sharing plan who receive the amounts allocated to their accounts before the expiration of a period of time or the occurrence of a contingency specified in the plan shall not be considered covered by the plan. Thus, in case a plan permits employees to receive immediately the amounts allocated to their accounts, or to have such amounts paid to a profit-sharing plan for them, the employees who receive the shares immediately shall not be considered covered by the plan.

(5) *Certain classifications.* See section 401(a) (5) and the regulations thereunder for rules relating to classifications of employees which are not considered to be discriminatory per se for purposes of section 410(b) (1) (B) and § 1.410(b)-1 (b) (2).

(6) *Integration with Social Security Act.* See section 401(a) (5) and the regulations thereunder for rules relating to integration of plans with the Social Security Act.

(7) *Different eligibility requirements.* A provision for different eligibility requirements for present and future employees is not, of itself, discriminatory within the purview of section 410(b) (1) (B). However, where employees who are officers, shareholders, or highly compensated cannot meet the eligibility requirements for new employees at the time the plan is established, the prohibited discrimination is likely to arise in operation when new employees are added to the employer's work force.

(8) *Certain controlled groups.* In applying the percentage test and classification test described in paragraph (b) (1) and (2) of this section for a year, all the employees of corporations or trades and businesses whose employees are treated as employed by a single employer by reason of section 414 (b) or (c) must be taken

into account. The preceding sentence shall apply for a plan year if, on 1 day in each quarter of such plan year, such corporations are members of a controlled group of corporations (within the meaning of section 414(b)) of such trades or businesses are under common control (within the meaning of section 414(c)).

(e) *Example.* The rules provided by this section are illustrated by the following example:

Example. An employer established a non-contributory defined benefit plan covering all employees of its ABC Division who are hired prior to age 60 and who are at least 25 years old. The normal retirement age under the plan is age 65. The employer has 100 employees including 20 employees who are under age 25 and 10 employees who were hired over age 60. The plan does not cover 15 employees who are over age 25 and were hired before age 60 because they are not in the ABC Division. Of these 15 excluded employees, 8 have less than 1 year of service. In addition, 12 of the 55 employees covered have less than one year of service. The plan can be shown not to satisfy the requirements of IRC section 410(b) (1) (A) as follows:

(i) Number of Employees.....	100
(ii) Number of employees excluded on account of minimum age and service.....	20
(iii) (i)-(ii).....	80
(iv) Number of employees who must be covered if plan is to satisfy IRC section 410(b) (1) (A), 70% of (iii).....	56
(v) Number of employees actually covered.....	55

Because the number of employees covered is less than the number of employees who must be covered, the plan does not satisfy the percentage coverage requirements of IRC section 410(b) (1) (A).

§ 1.410(c) Statutory provisions; minimum participation standards; application of participation standards to certain plans.

Sec. 410. Minimum participation standards. * * *

(c) *Application of participation standards to certain plans.*

(1) The provisions of this section (other than paragraph (2) of this subsection) shall not apply to—

(A) A governmental plan (within the meaning of section 414(d)).

(B) A church plan (within the meaning of section 414(e)) with respect to which the election provided by subsection (d) of this section has not been made.

(C) A plan which has not at any time after the date of the enactment of the Employee Retirement Income Security Act of 1974 provided for employer contributions, and

(D) A plan established and maintained by a society, order, or association described in section 501(c) (8) or (9) if no part of the contributions to or under such plan are made by employers of participants in such plan.

(2) A plan described in paragraph (1) shall be treated as meeting the requirements of this section, for purposes of section 401(a), if such plan meets the requirements of section 401(a) (3) as in effect on the day before the date of the enactment of this section.

[Section 410(c) added by sec. 1011, Employee Retirement Income Security Act 1974 (95 Stat. 898)]

§ 1.410(d) Statutory provisions; minimum participation standards; election by church to have participation, vesting, funding etc., provisions apply.

Sec. 410. Minimum participation standards. * * *

(d) *Election by church to have participation, vesting, funding etc., provisions apply—(1) In general.* If the church or convention or association of churches which maintains any church plan makes an election under this subsection (in such form and manner as the Secretary or his delegate may by regulations prescribe), then the provisions of this title relating to participation, vesting, funding, etc. (as in effect from time to time) shall apply to such church plan as if such provisions did not contain an exclusion for church plans.

(2) *Election irrevocable.* An election under this subsection with respect to any church plan shall be binding with respect to such plan, and, once made, shall be irrevocable.

[Sec. 410(d) added by sec. 1011, Employee Retirement Income Security Act of 1974 (88 Stat. 898)]

§ 1.410(d)-1 Election by church to have participation, vesting, funding, etc. provisions apply.

(a) *In general.* If a church or convention or association of churches which maintains any church plan, as defined in section 414(e), makes an election under this section, certain provisions of the Code and Title I of the Employee Retirement Income Security Act of 1974 (the "Act") shall apply to such church plan as if such plan were not a church plan. The provisions of the Code referred to are section 410 (relating to minimum participation standards), section 411 (relating to minimum vesting standards), section 412 (relating to minimum funding standards), section 4975 (relating to prohibited transactions), and paragraphs (11), (12), (13), (14), (15), and (19) of section 401(a) (relating to joint and survivor annuities, mergers and consolidations, assignment or alienation of benefits, time of benefit commencement, certain social security increases, and withdrawals of employee contributions, respectively).

(b) *Election is irrevocable.* An election under this section with respect to any church plan shall be binding with respect to such plan and, once made, shall be irrevocable.

(c) *Procedure for making election—*

(1) *Time of election.* An election under this section may be made for plan years for which the provisions of section 410 (d) of the Code apply to the church plan. By reason of section 1017(b) of the Act section 410(d) does not apply to a plan in existence on January 1, 1974, for plan years beginning before January 1, 1976. Section 1017(d) of the Act permits a plan administrator to elect to have certain provisions of the Code (including section 410(d)) apply to a plan before the otherwise applicable effective dates of such provisions. See § 1.410(a)-2(d). Therefore, for a plan in existence on January 1, 1974, an election under section 410(d) of the Code may be made for a plan year beginning before January 1, 1976, only if an election has been made

under section 1017(d) of the Act with respect to that plan year.

(2) *By whom election is to be made.* The election provided by this section may be made only by the plan administrator of the church plan.

(3) *Manner of making election.* The plan administrator may elect to have the provisions of the Code described in paragraph (a) of this section apply to the church plan as if it were not a church plan by attaching the statement described in subparagraph (5) of this paragraph to either (i) the annual return required under section 6058(a) (or an amended return) with respect to the plan which is filed for the first plan year for which the election is effective or (ii) a written request for a determination letter relating to the qualification of the plan under section 401(a), 403(a), or 405(a) of the Code and, if trustee, the exempt status under section 501(a) of the Code of a trust constituting a part of the plan.

(4) *Conditional election.* If an election is made with a written request for a determination letter, the election may be conditioned upon issuance of a favorable determination letter and will become irrevocable upon issuance of such letter.

(5) *Statement.* The statement described in subparagraph (3) of this paragraph shall indicate (i) that the election is made under section 410(d) of the Code and (ii) the first plan year for which it is effective.

PAR. 2. Section 1.413-1 is amended by adding the following new paragraph immediately before paragraph (e) thereof:

§ 1.413-1 Special rules for collectively bargained plans.

(a) *Participation.* Section 410 and the regulations thereunder shall be applied as if all employees of each of the employers who are parties to the collective-bargaining agreement and all such employees who are subject to the same benefit computation formula under the plan were employed by a single employer.

PAR. 3. Section 1.413-2 is amended by adding immediately before paragraph (d) thereof:

§ 1.413-2 Special rules for plans maintained by more than one employer.

(a) *Participation.* Section 410 (a) and the regulations thereunder shall be applied as if all employees of each of the employers who maintain the plan were employed by a single employer.

[FR Doc. 75-26551 Filed 9-30-75; 5:05 pm]

[26 CFR Parts 1, 301]

CREDIT FOR PURCHASE OF NEW PRINCIPAL RESIDENCE

Public Hearing on Proposed Regulations

Proposed regulations under sections 44, 6014, and 6096 of the Internal Revenue Code of 1954, relating to credit for purchase of new principal residence, appear in the FEDERAL REGISTER for July 16, 1975 (40 FR 29874).

A public hearing on the provisions of such proposed regulations will be held on October 20, 1975 beginning at 10 a.m. e.d.s.t. in the George S. Boutwell Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, D.C. 20224.

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to such public hearing. Copies of these rules may be obtained by a request directed to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, or by telephoning (Washington, D.C.) 202-964-3935. Under such § 601.601(a)(3) persons who have submitted written comments or suggestions within the time prescribed in the notice of proposed rulemaking and who desire to present oral comments at the hearing on such proposed regulations, should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by October 16, 1975. Such outline should be submitted to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224. Under § 601.601(a)(3) (26 CFR Part 601) each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the Government and answers thereto.

Persons who desire a copy of such written comments or suggestions or outlines and who desire to be assured of their availability on or before the beginning of such hearing should notify the Commissioner, in writing, at the above address by October 16, 1975. In such a case, unless time and circumstances permit otherwise, the desired copies are deliverable only at the above address. The charge for copies is ten cents (\$0.10) per page.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of this agenda will be available free of charge at the hearing, and information with respect to its contents may be obtained on October 17, 1975, by telephoning (Washington, D.C.) 202-964-3935.

ROBERT A. BLEY,

Assistant Director,

Legislation and Regulations Division.

[FR Doc. 75-26758 Filed 10-2-75; 10:04 am]

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

SEQUOIA AND KINGS CANYON NATIONAL PARKS, CALIFORNIA

Camper Food Storage

Notice is hereby given that pursuant to the authority contained in the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. § 3), the Act of June 2, 1920 (41 Stat. 731 as amended; 16 U.S.C. §§ 80, et seq.), 245 DM. 1 (34 March 4, 1940 (54 Stat. 44, as amended; 16 U.S.C. §§ 80, et seq.), 245 DM. 1 (34 F.R. 13879) as amended, National Park

Service Order No. 77 (38 F.R. 7478), as amended, and Regional Director, Western Region Order No. 7 (37 F.R. 6326), it is proposed to amend § 7.8 of Title 36 of the Code of Federal Regulations as set forth below.

Black bears are an important wildlife resource widely distributed over these Parks. Bears, in developed areas, with a large appetite for a variety of foods, occasionally come into conflict with man. In the vicinity of developed areas, availability of human food has permitted unnatural habitats to develop in wild bear populations and some bears raid garbage cans and enter or damage tents and dwellings searching for food. It is the objective of these Parks to perpetuate black bears in a natural environment and to protect Park visitors from harmful depredations by bears. The most important management effort must be directed at improving food storage procedures.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed regulation to the Superintendent, Sequoia and Kings Canyon National Parks, Three Rivers, California 93271, within 30 days of the publication of this notice in the "Federal Register."

Section 7.8 is amended to add paragraph (e) (1) to read as follows:

§ 7.8 Sequoia and Kings Canyon National Parks.

(e) *Camping.* (1) All food or similar organic material, must be kept completely sealed in a vehicle or camping unit that is constructed of solid, non-pliable material, or must be suspended at least 10 feet above the ground and 4 feet horizontally from any post or tree trunk. This restriction does not apply to food that is being eaten or is being prepared for eating.

HENRY G. SCHMIDT,
Superintendent, Sequoia and
Kings Canyon National Parks.

[FR Doc. 75-26500 Filed 10-2-75; 8:45 am]

**DEPARTMENT OF
TRANSPORTATION**

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 75-WE-27]

DESIGNATION OF CONTROL ZONE

Proposed Rule Making

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would establish a new control zone at the North Las Vegas Air Terminal, North Las Vegas, Nevada.

A new Air Traffic Control Tower will be commissioned at the North Las Vegas Air Terminal on or about January 15,

1976. The new control zone is required to provide the necessary controlled airspace protection for the provision of air traffic control services.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261. All communications received on or before November 3, 1975 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.171 (40 FR 354) the following control zone is added:

NORTH LAS VEGAS, NEVADA

Within a 3-mile radius of the North Las Vegas Air Terminal (latitude 36°12'45" N., longitude 115°11'46" W.). This control zone will be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously established in the Airmen's Information Manual.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of sec. 6(e) of the Department of Transportation Act (49 U.S.C. 1655(e)).

Issued in Los Angeles, California on September 24, 1975.

LYNN L. HINK,
Acting Director,
Western Region.

[FR Doc. 75-26443 Filed 10-2-75; 8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-CL-61]

DESIGNATION OF TRANSITION AREA

Proposed Rule Making

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Kewanee, Illinois.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief,

Air Traffic Division, Federal Aviation Administration, 2300 East Devon, Des Plaines, Illinois 60018. All communications received on or before November 3, 1975 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon, Des Plaines, Illinois 60018.

An instrument approach procedure has been developed for the Kewanee Municipal Airport, Kewanee, Illinois. Controlled airspace is required to protect this procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.161 (40 FR 441), the following transition area is added:

KEWANEE, ILLINOIS

That airspace extending upward from 700 feet above the surface within a five-mile radius of the Kewanee Airport (latitude 41°13'08" N., longitude 89°57'42" W.); and within three miles each side of the 218° bearing from the airport, extending from the five-mile radius area to eight miles southwest.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of Section 6(e) of the Department of Transportation Act (49 U.S.C. 1655(e)).

Issued in Des Plaines, Illinois, on September 10, 1975.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

[FR Doc. 75-26442 Filed 10-2-75; 8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-RM-26]

**REVOCATION AND REALIGNMENT OF
FEDERAL AIRWAY SEGMENTS**

Proposed Rule Making

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would revoke the east alternate segment of VOR Federal Airway No. 19 and the south alternate segment of VOR Federal Airway No. 108. This docket would also realign VOR Federal Airway No. 83 between Colorado Springs, Colo., and Pueblo, Colo.

Interested persons may participate in the proposed rule making by submitting

such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Rocky Mountain Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station, P.O. Box 7213, Denver, Colo. 80207. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, S.W., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would delete V-19E from Kiowa VORTAC to Pueblo VORTAC, delete V-108S from Hugo VORTAC to Colorado Springs VORTAC and realign V-83 between Colorado Springs, Colo., and Pueblo, Colo., via the Colorado Springs 140°M (153°T) and Pueblo 351°M (004°T) radials.

Federal Airways V-19E and V-108S do not generate enough IFR traffic to warrant retention. Preferential routings will be provided between Pueblo and Colorado Springs, Colo., with the realignment of V-83.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on September 29, 1975.

EDWARD J. MALO,
Acting Chief, Airspace and
Air Traffic Rules Division.

[FR Doc. 75-26441 Filed 10-2-75; 8:45 am]

Materials Transportation Bureau

[49 CFR Part 177]

[Docket No. HM-110; Reference Notice 75-5]

REPAIRS TO VEHICLES IN CLOSED BUILDINGS

Withdrawal of Notice of Proposed Rulemaking

Correction

In FR Doc. 75-26244, in the issue for Tuesday, September 30, 1975, appearing at page 44842, in the last line of the third paragraph a page number was omitted. The document referred to appeared on page 44821.

National Highway Traffic Safety Administration

[Docket No. 75-28; Notice 1]

[49 CFR Parts 567, 568, 571]

MOTOR VEHICLE SAFETY REGULATIONS

Vehicles Manufactured in Two or More Stages

This notice proposes the amendment of 49 CFR Part 567, Certification, to add

a labeling requirement for chassis-cab manufacturers and modify the labeling requirements for final-stage manufacturers, in accordance with the decision in *Rex Chainbelt, Inc. v. Brinegar*, 511 F.2d 1215 (7th Cir. 1975).

The scheme for allocation of responsibility for conformity to the standards, and certification, with respect to vehicles manufactured in two or more stages is contained in Parts 567 and 568 of Title 49, Code of Federal Regulations, as published on April 14, 1971 (36 FR 7054).

The problems dealt with in these regulations is that the safety standards, to perform their function of protecting the public that uses motor vehicles, must regulate the performance of the vehicles as they are completed and actually used, while many vehicles, especially trucks, buses, and recreational vehicles, are built in two or more stages whereby the basic motive and structural components are delivered in incomplete form as a "chassis" to be completed by a totally different company that adds a "body." In a given set of circumstances it might be possible to allocate responsibility for some of the applicable standards to the incomplete vehicle manufacturer, and for others to the final-stage manufacturer. Such a simple allocation scheme cannot suffice, however, as a general method of regulation of multistage vehicles, for several reasons.

First and most important is the fact that conformity to certain standards, of which the most prominent current examples are those for braking performance, depends entirely on the work of both the incomplete and the final stages of manufacture. The braking system itself is installed by the chassis manufacturer. Yet the performance of those brakes in stopping the vehicle is a function of the weight of the loaded vehicle and the placement of that weight, which is primarily determined by the final-stage manufacturer who adds the load-bearing or cargo-carrying components. Thus, conformity to a braking standard depends on the combining of a chassis and final-stage structure that are suited for each other, and neither manufacturer can bear the sole responsibility.

Another complicating factor is the variability in the degree of completion by the incomplete vehicle manufacturer. While some multistage vehicles are delivered as "chassis-cabs," with completed occupant compartments, others have no cab structure ("stripped chassis"), and still others have a partial cab ("chassis-cowls"). Furthermore, some final-stage or intermediate manufacturers find it desirable to modify the chassis (e.g., adding new axles, lengthening or shortening) in such a manner that the chassis manufacturer does not wish to take responsibility for the final result. Finally, the extent to which the different manufacturers of a multistage vehicle are willing to take responsibility for the various applicable standards varies widely. In some cases, the final-stage manufacturer wants an incomplete vehicle to be delivered with some normally included components left off, so that it can complete the vehicle in its own way for a special application.

For all these reasons, it is impracticable for the NHTSA to determine in advance which manufacturer—incomplete, intermediate, or final-stage—must take responsibility for which standards. Obviously, the aim of the regulatory scheme must be to allow multistage manufacturers the maximum degree of freedom in determining who should take responsibility for the different parts of a vehicle, as long as in the end the vehicle conforms, or in the case of a nonconformity the responsible entity can be objectively determined. Thus, the standards are not applied to incomplete vehicles as such, since to do so would be to destroy, to that degree, this freedom of the manufacturers to allocate responsibility between themselves.

Parts 567 and 568 resolve the problem by requiring the incomplete vehicle manufacturer to provide information to subsequent manufacturers as to the conformity status of the incomplete vehicle, with respect to each standard that will be applicable to the vehicle when completed as one of the types for which it is intended. The document furnished must also include weight rating information, since this is a critical safety factor throughout the life of the vehicle. With reference to each standard, the incomplete vehicle manufacturer must state either (1) that the incomplete vehicle will conform to the standard when completed if no alterations are made to named components, (2) that it will conform if certain positive conditions (e.g., location of center of gravity) are fulfilled, or (3) that conformity of the completed vehicle is not substantially determined by the design of the incomplete vehicle and therefore the incomplete vehicle manufacturer makes no representations as to conformity. It should be noted that the third statement includes a factual element, so that it may not be made in a case, such as a braking standard, where the chassis design is in fact an important determinant of performance.

On the basis of this document, the final-stage manufacturer is required under the existing scheme (Part 567) to affix a label to the vehicle that provides both its name and that of the incomplete vehicle manufacturer, along with other information such as relevant dates of completion and weight ratings, and a statement that the vehicle as completed conforms to applicable standards. It is the intent of this agency, and the policy followed in its enforcement of the standards, that the statement on the label reflects the joint responsibility of the incomplete vehicle and the final-stage manufacturers, since the names of both are placed on the label. The Part 568 document is designed to indicate, when compared to the facts of a nonconformity case including whether the final-stage manufacturer followed the instructions of the incomplete vehicle manufacturer, which manufacturer is ultimately responsible for, and should bear the cost of, the nonconformity.

In the first appeal in the *Rex Chainbelt* case, in which the petitioner attacked the validity of this scheme as it

applied to a company mounting cement mixers on chassis-cabs, the U.S. Court of Appeals for the Seventh Circuit interpreted the regulation as requiring the final-stage manufacturer to make the "sole certification of compliance of the entire vehicle," and declared it invalid on that basis. *Rex Chainbelt, Inc. v. Volpe*, 486 F.2d 757, 761-62 (7th Cir. 1973).

On remand, the district court restated the judgment as invalidating the regulation in that it required the final-stage manufacturer to "certify the compliance of the chassis-cab and its components to motor vehicle safety standards." The agency appealed from that order, on the ground that it was broader than the Court of Appeals decision, which had disapproved only of requiring the final-stage manufacturer to make the "sole" certification. In its decision on that appeal, the Court of Appeals restated its holding "to mean that the Act requires that in instances where the customer purchases a chassis-cab from its manufacturer and thereafter the mixer from the mixer manufacturer, the 'entire vehicle' must be certified via two certifications, with the chassis-cab manufacturer certifying its chassis-cab, and with the mixer manufacturer certifying its mixer and the effect of the mounting, if any, to thus obtain effective certification of the 'entire vehicle.'" *Rex Chainbelt, Inc. v. Brinegar*, 511 F.2d 1215, 1216 (7th Cir. 1975).

This proposal is intended to modify the certification scheme for multistage vehicles to conform to that decision. It should be noted that the Court of Appeals included the phrase, "the effect of the mounting," in its description of the permissible scope of a regulation. The effect of the mounting, or, to generalize, the effect of the work performed by the final-stage manufacturer, is the crux of the responsibility problem that the multistage vehicle regulations are designed to solve. It should also be noted that both courts limited their holdings to fact situations involving chassis-cabs. This limitation appears to be well-founded, since in the case of an incomplete vehicle that does not include a passenger compartment there will be few if any standards to which the incomplete vehicle can be certified to "conform" in any sense.

The basic change in Part 567 hereby proposed to conform to the decision is to require the manufacturer of a chassis-cab to affix a certification label to the vehicle, certifying in substantially the same terms as it does in the Part 568 document the conformity status of the chassis-cab with respect to each standard that would be applicable to the vehicle as completed. The final-stage manufacturer using the chassis-cab would make a three-part certification statement (to the extent that the three parts were applicable) corresponding to the statements made by the incomplete vehicle manufacturer.

More specifically, in the first category on its label, the chassis-cab manufacturer would state, "This chassis-cab conforms to Federal Motor Vehicle Safety

Standard Nos. _____," listing the numbers of the standards for which the statement was correct. In the corresponding first category on its label, the final-stage manufacturer would state, "Conformity of the chassis-cab to Federal Motor Vehicle Safety Standard Nos. _____ has not been affected by final-stage manufacture." This couplet would conform precisely to the mandate of the Court that the chassis-cab manufacturer certify its chassis-cab, and the final-stage manufacturer certify as to the "effect" of its work. It would not be necessary for the final-stage manufacturer to include all the standards in its first statement that the chassis-cab manufacturer did, since the former should be free to "affect" conformity, for example by removing and replacing mirrors or lights, as long as it ultimately certifies conformity in its third, final statement. In the extreme case, if it wished to exclude all of the standards from this category, the final-stage manufacturer could omit this statement altogether.

The second category of standards, those that are necessarily strongly affected by what both the chassis-cab and final-stage manufacturers do, are the main target of the regulatory scheme. In its second statement under this proposal, the chassis-cab manufacturer would certify, "This vehicle will conform to Standard Nos. _____ if it is completed in accordance with the instructions contained in the incomplete vehicle document furnished pursuant to 49 CFR Part 568." The final-stage manufacturer's corresponding statement would be, "With respect to Standard Nos. _____, the vehicle has been completed in accordance with the chassis-cab manufacturer's instructions." This statement also conforms to the Court's opinion, although the treatment of this category cannot be as simple. The final-stage manufacturer, in considering a standard such as the one on air brakes that its work must crucially "affect," thus has a choice. It may conform its completion work to the instructions of the chassis-cab manufacturer, in which case it need only make a statement to that effect, thereby throwing the burden of conformity onto the chassis-cab manufacturer. Or, it may deviate from those instructions, in which case the second statement would be inapplicable as far as that standard was concerned, and the standard would be included in the residual third statement. Thus, the final-stage manufacturer would describe the "effect of its mounting, if any" either by saying it had remained within the chassis-cab manufacturer's limits, thereby actuating its certification, or by making an original certification of conformity. Again, if the final-stage manufacturer chose to omit all standards from this second category, the second statement could be omitted.

The third statement by the chassis-cab manufacturer would be, "Conformity to the other safety standards applicable to this vehicle when completed is not substantially determined by the design of the chassis-cab." The third statement by the final-stage manufacturer would

be, "This vehicle conforms to all other applicable Federal Motor Vehicle Safety Standards in effect in [month, year]." Obviously, conformity to standards as to which the chassis-cab manufacturer made no representation whatever, or to those where the final-stage manufacturer chose not to follow the chassis-cab manufacturer's instructions, would have to be assumed by the final-stage manufacturer. The regulation would provide that where the first two statements were omitted, the word "other" would be omitted from the third statement. In this form it would cover both the cases where the final-stage manufacturer chose not to follow the chassis-cab manufacturer's instructions as to any standards, and the cases involving incomplete vehicles other than chassis-cabs to which the dual-certification scheme would be inapplicable. Finally, it would cover the cases where the final-stage manufacturers consider the present scheme, using the simple conformity statement, adequately to represent their rights and duties.

On the last point, it should be noted that the NHTSA does not consider this proposed elaboration of the certification scheme to represent a change in the legal status of the multistage vehicle certification scheme as the agency has intended and enforced it, nor to necessitate a change in the practices of the final-stage manufacturers who prefer to make a simple conformity statement. The new first and second statements must necessarily be used only if and when the final-stage manufacturer considers them to represent the factual situation, and the third statement, that the vehicle conforms to all applicable standards, will still suffice.

Several ancillary changes would be made in Parts 567 and 568. Section 568.6 (b), which presently reads, "Each final-stage manufacturer shall certify that the entire vehicle conforms to all applicable standards, in accordance with section 567.5 . . .", would be revised to read, "Each final-stage manufacturer shall affix a label to the completed vehicle in accordance with § 567.5 of this chapter." This change would eliminate any implication that the final-stage manufacturer would have to take responsibility for conformity in areas that are unaffected by its own work on the vehicle.

A new definition of chassis-cab would be added: "an incomplete vehicle, with a completed occupant compartment, that requires only the addition of cargo-carry, work-performing, or load-bearing components to perform its intended function." This definition is needed to indicate what types of incomplete vehicles must be permanently labeled by their manufacturers under the new proposed regulations.

The new requirements for the labeling of chassis-cabs would be inserted as a new paragraph (a) in § 567.5, and the succeeding paragraphs would be redesignated accordingly.

In light of the foregoing, it is proposed that the following amendments be made

in Chapter V of Title 49, Code of Federal Regulations.

1. In Part 571, Motor Vehicle Safety Standards, a new definition would be added to § 571.3, Definitions, in the appropriate alphabetical sequence:

"Chassis-cab" means an incomplete vehicle, with a completed occupant compartment, that requires only the addition of cargo-carrying, work-performing or load-bearing components to perform its intended functions.

2. In Part 568, Vehicles Manufactured in Two or More Stages, the reference in § 568.7(b) to "§ 567.5(c)" would be changed to "§ 567.5(d)", and § 568.6(b) would be revised to read:

§ 568.6 Requirements for final-stage manufacturers.

(b) Each final-stage manufacturer shall affix a label to the completed vehicle in accordance with § 567.5 of this chapter.

3. In Part 567, Certification, § 567.5 would be revised to read:

§ 567.5 Requirements for manufacturers of vehicles manufactured in two or more stages.

(a) Except as provided in paragraph (d) of this section, each manufacturer of a chassis-cab shall affix a label to each chassis-cab, in the location and form specified in § 567.4, that contains the following statements, to the extent that they are applicable.

(1) "This chassis-cab conforms to Federal Motor Vehicle Safety Standard Nos. _____." The statement shall be completed by inserting the numbers of the safety standards (e.g., 101, 207) to which the chassis-cab conforms.

(2) "This vehicle will conform to Standard Nos. _____ if it is completed in accordance with the instructions contained in the incomplete vehicle document furnished pursuant to 49 CFR Part 568." The statement shall be completed by inserting the numbers of the safety standards conformity to which is substantially determined both by the design of the chassis-cab and the manner in which the vehicle is completed (i.e., the standards listed under category (ii) in paragraph 568.4(a) (7) of this chapter).

(3) "Conformity to the other safety standards applicable to this vehicle when completed is not substantially determined by the design of the chassis-cab."

(4) Name of chassis-cab manufacturer.

(5) Month and year of manufacture of chassis-cab.

(b) Except as provided in paragraphs (d) and (e) of this section, each final-stage manufacturer, as defined in § 568.3 of Title 49 of the Code of Federal Regulations, of a vehicle manufactured in two or more stages shall affix to each vehicle a label, of the type and in the manner and form described in § 567.4 of this part, containing the following statements:

(1) Name of final-stage manufacturer, preceded by the words "MANUFACTURED BY" or "MFD BY."

(2) Month and year in which final-stage manufacture is completed. This may be spelled out, as "JUNE 1970," or expressed in numerals, as "6/70." No preface is required.

(3) Name of original manufacturer of the incomplete vehicle, preceded by the words "INCOMPLETE VEHICLE MANUFACTURED BY" or "INC VEH MFD BY." This item and item (4) may be omitted in cases where the incomplete vehicle was a chassis-cab.

(4) Month and year in which the original manufacturer of the incomplete vehicle performed his last manufacturing operation on the incomplete vehicle, in the same form as (2) above.

(5) "GROSS VEHICLE WEIGHT RATING" or "GVWR" followed by the appropriate value in pounds, which shall not be less than the sum of the unloaded vehicle weight, rated cargo load, and 150 pounds times the vehicle's designated seating capacity. However, for school buses the minimum occupant weight allowance shall be 120 pounds.

(6) "GROSS AXLE WEIGHT RATING" or "GAWR," followed by the appropriate value in pounds for each axle, identified in order from front to rear (e.g., front, first intermediate, second intermediate, rear).

(7) The following statements, as appropriate. Statements (i) and (ii) shall be made only for vehicles that were originally delivered by an incomplete vehicle manufacturer as a chassis-cab.

(i) "Conformity of the chassis-cab to Federal Motor Vehicle Safety Standard Nos. _____ has not been affected by final-stage manufacture." The statement shall be completed by inserting the numbers of all or less than all of the standards, and only those standards, to which the chassis-cab manufacturer has certified the vehicle under paragraph (a) (1) of this section. This statement may be omitted at the discretion of the final-stage manufacturer.

(ii) "With respect to Standard Nos. _____ the vehicle has been completed in accordance with the chassis-cab manufacturer's instructions." The statement shall be completed by inserting the numbers of all or less than all of the standards, and only those standards, to which the chassis-cab manufacturer has made the conditional statement under paragraph (a) (2) of this section. This statement may be omitted at the discretion of the final-stage manufacturer.

(iii) "This vehicle conforms to all other applicable Federal Motor Vehicle Safety Standards in effect in [month, year]." The date shown shall be no earlier than the manufacturing date of the incomplete vehicle, and no later than the date of completion of final-stage manufacture. This statement may be omitted only if all standards applicable to the completed vehicle have been listed in the preceding two statements. If the first two statements are both omitted, the word "other" shall be omitted from this statement.

(8) Vehicle identification number.

(9) The type classification of the vehicle as defined in § 571.3 of Title 49

of the Code of Federal Regulations (e.g., truck, MPV, bus, trailer).

(c) More than one set of figures for GVWR and GAWR, and one or more tire sizes, may be listed in satisfaction of the requirements of paragraphs (b) (5) and (6) of this section, as provided in § 567.4(h).

(d) If an incomplete vehicle manufacturer assumes legal responsibility for all duties and liabilities imposed by the Act, with respect to the vehicle as finally manufactured, the incomplete vehicle manufacturer shall ensure that a label is affixed to the final vehicle in conformity with paragraph (b) of this section, except that the name of the incomplete vehicle manufacturer shall appear instead of the name of the final-stage manufacturer after the words "MANUFACTURED BY" or "MFD BY" required by subparagraph (b) (1) of this section, the additional manufacturer's name required by subparagraph (b) (3) of this section shall be omitted, and the date required by subparagraph (b) (4) of this section shall be preceded by the words "INCOMPLETE VEHICLE MANUFACTURED" or "INC VEH MFD."

(e) If an intermediate manufacturer of a vehicle assumes legal responsibility for all duties and liabilities imposed on manufacturers by the Act, with respect to the vehicle as finally manufactured, the intermediate manufacturer shall ensure that a label is affixed to the final vehicle in conformity with paragraph (b) of this section, except that the name of the intermediate manufacturer shall appear instead of the name of the final-stage manufacturer after the words "MANUFACTURED BY" or "MFD BY" required by subparagraph (b) (1) of this section.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: December 2, 1975.

Proposed effective date: 4 months after publication of final rule.

(Sec. 103, 108, 112, 114, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1397, 1401, 1403, 1407); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on September 29, 1975.

ANDREW G. DETRICK,
Acting Associate Administrator,
Motor Vehicle Programs.

[FR Doc. 75-26476 Filed 10-2-75; 8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20576; RM-2467, RM-2468]

FM BROADCAST STATIONS

Table of Assignments, N.H. and Vt.; Extension of Time

In the matter of amendment of section 73.202(b), Table of Assignments, FM Broadcast Stations, (Franklin and Keene, New Hampshire, and Bennington and Brattleboro, Vermont); Docket No. 20576, RM-2467, RM-2468.

1. On August 6, 1975, the Commission adopted a Notice of Proposed Rule Making and Order to Show Cause in the above-entitled proceeding. Publication was made in the Federal Register on August 15, 1975, 40 Fed. Reg. 34393. The dates for filing comments and reply comments are presently October 6 and October 28, 1975, respectively.

2. On September 23, 1975, Northeast Communications Corporation (Northeast), by counsel, requested that the time for filing comments and reply comments be extended to and including October 20 and November 11, 1975, respectively. Counsel states that Northeast's engineering consultant is currently in the process of preparing engineering data requested by the Commission; however, a brief additional period of time will be necessary in order to complete the preparation of such material.

3. We are of the view that the public interest would be served by extending the time in this proceeding. Accordingly, IT IS ORDERED, that the dates for filing comments and reply comments ARE EXTENDED to and including October 20, and November 11, 1975, respectively.

4. This action is taken pursuant to authority found in Sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

Adopted: September 24, 1975.

Released: September 26, 1975.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc. 75-26491 Filed 10-2-75; 8:45 am]

[47 CFR Part 83]

[Docket No. 20903; FCC 75-1084]

MARITIME MOBILE-SATELLITE SERVICE

Proposed Rulemaking

In the matter of amendment of Part 83 of the Commission's rules to conform

to the extent practicable, with Geneva Radio Regulations pertaining to the Maritime Mobile-Satellite Service, as revised by the Space WARC, Geneva, 1971, and the Maritime WARC, Geneva, 1974.

1. As a result of the 1971 World Administrative Radio Conference for Space Telecommunications (WARC-ST), convened by the International Telecommunication Union (ITU), frequencies were allocated for space radio services and radio astronomy. Among other things, allocations by the WARC-ST provided for exclusive and shared use of frequencies in the band 1535-1660 MHz by the maritime mobile-satellite service.

2. Since the WARC-ST, interest in maritime mobile-satellite communications has accelerated. In 1972, the Intergovernmental Maritime Consultative Organization (IMCO) formed a Panel of Experts on Maritime Satellites, which it charged to prepare a report intended to serve as a basis for consideration, at a 1975 IMCO convened meeting of Governments, for the establishment of an International Maritime Satellite System. In 1974, the World Maritime Administrative Radio Conference (WMARC) which was convened to consider and revise as necessary the Radio Regulations used for maritime purposes, revised a number of provisions relating to administration and operations, to provide the flexibility needed to introduce the maritime mobile-satellite service in an orderly manner. Moreover, the U.S. Marisat System¹ is scheduled to provide commercial service in the next several months.

3. This proceeding is initiated to amend Part 83 of the Commission's rules to conform to the extent practicable, with the results of the 1971 WARC-ST and the 1974 WMARC; and to provide eligibility and technical requirements as well as frequencies for licensing ship earth stations.² Part 83 will be revised to make available frequencies in the bands 1636.5 to 1644 MHz and 1644 to 1645 MHz for transmissions from ship earth stations to space stations.

4. The International Radio Regulations (352E and 352H) also provide for the use of the frequency bands 1535 to 1542.5 MHz and 1636.5-1644 MHz for direct terrestrial transmissions between coast stations and ship earth stations or between ship earth stations when such transmissions are used to extend or supplement the links between satellite and ships. At present, the Commission is unaware of any existing operational requirements which would use the bands

¹MARISAT is a maritime mobile-satellite system under development by Comsat General Corporation in conjunction with ITT World Communications, Inc., RCA Global Communications, Inc., and Western Union International, Inc. Atlantic and Pacific Ocean service is scheduled to begin in the near future. About 80% of the satellite capacity will be used by the U.S. Navy on an interim basis and the remainder will be available to the commercial maritime industry.

²A ship earth station is defined by the 1974 WMARC as "mobile earth station in the maritime mobile-satellite service located on board ship."

in the manner described above, thus, we propose no rules for their use at this time.

5. In licensing ship earth stations, the Commission proposes to restrict such authorization to the owner or operator of a ship. This proposal is consistent with our May 5, 1975, finding in the Marisat order that the shipboard terminal is under the control and for the exclusive use of the ship operator; and with our proposal in Docket 20212 which provides for restricting ship station authorizations in the terrestrial maritime services to ship owners or operators.

6. At this time, the Commission does not propose to impose type approval or type acceptance requirements on equipment authorized to operate in the Marisat system in the frequency bands available under these rules. Rather, we believe that full scope of development ought to be encouraged. However, in order to minimize intersystem and intrasystem interference in the frequency bands to be authorized herein, we are proposing certain minimum technical requirements for ship earth stations. Further, beginning July 1, 1977, measurements of certain technical parameters shall be recorded semiannually, preserved, and made available on request to the Commission.

7. Proposed technical requirements as to authorized frequency tolerance, classes of emission, emission limitations, transmitter power, antenna performance standards, etc., are included in this notice. For example, the Commission proposes that the maximum Equivalent Isotropic Radiated Power (EIRP) by a ship earth station shall not exceed 40 dbw in any 4 kHz band except upon a satisfactory showing of need for greater power in which case a maximum of 55 dbw may be authorized. In addition, in setting forth antenna performance standards, we note that operation of ship earth station antennas at angles of elevation less than 10° may result in degraded service from multipath interference. Comments are requested on these proposed technical requirements and in particular on the quality of service which a user may expect at angles of elevation less than 10°.

8. Applicants must file FCC Form 501 for authorization to use frequencies available under these rules. In addition, the Commission proposes to require supplemental information to include a detailed technical description as well as reliability and maintainability predictions of ship earth station equipment. Also, operators of ship earth stations shall hold a first or second class radio-telegraph or first or second class radio-telephone operator license.

9. The Commission recognizes the communications needs of off-shore fixed platforms. The Commission is studying the subject and will treat the matter separately.

10. The proposed amendments to the Commission's rules, as set forth below, are issued pursuant to authority contained in Section 4(i) and 303 (b), (c), (d), (h), and (r) of the Communications Act of 1934, as amended.

11. Pursuant to applicable procedures set forth in Section 1.415 of the Commission's rules, interested persons may file comments on or before October 30, 1975, and reply comments on or before November 10, 1975. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

12. In accordance with the provisions of Section 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission. Responses will be available for public inspection during regular business hours in the Commission's Broadcast and Docket Reference Room at its Headquarters in Washington, D.C.

Adopted: September 24, 1975.

Released: September 29, 1975.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

Part 83 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Paragraphs (b), (w), (x), (y), and (z) of § 83.2 are revised as follows:

§ 83.2 General.

(b) *International Radio Regulations.* The Radio Regulations in force annexed to the International Telecommunication Convention, Montreux, 1965, as between the Government of the United States and other contracting Governments; and such preceding international radio regulations as remain in force between the Government of the United States and other contracting Governments.

(w) *Space Radiocommunication.* Any radiocommunication involving the use of one or more space stations or the use of one or more passive satellites or other objects in space.

(x) *Terrestrial Radiocommunication.* Any radiocommunication other than space radiocommunication or radio astronomy.

(y) *Terrestrial Station.* A station effecting terrestrial radiocommunication.

(z) *Telecommunication.* Any transmission, emission or reception of signs, signals, writing, images and sounds or intelligence of any nature by wire, radio, visual or other electromagnetic systems.

2. Paragraphs (t), (u), (v), and (w) of § 83.4 are revised as follows:

§ 83.4 Maritime Radiodetermination Service.

(t) *Radiodetermination-satellite service.* A radiocommunication service involving the use of radiodetermination and the use of one or more space stations.

(u) *Radionavigation-satellite service.* A radiodetermination-satellite service used for the same purposes as the radionavigation service; in certain cases this service includes transmission or retransmission of supplementary information necessary for the operation of the radionavigation systems.

(v) *Maritime radionavigation-satellite service.* A radionavigation-satellite service in which mobile earth stations are located on board ships.

(w) *Space tracking.* Determination of the orbit, velocity or instantaneous position of an object in space by means of radiodetermination, excluding primary radar, for the purpose of following the movement of the object.

3. Add a new § 83.8 as follows:

§ 83.8 Maritime mobile-satellite service.

(a) *Mobile-satellite service.* A radiocommunication service:

- (1) Between mobile earth stations and one or more space stations; or between space stations used by this service; or
- (2) Between mobile earth stations by means of one or more space stations; and
- (3) If the system so requires, for connection between these space stations and one or more earth stations at specified fixed points.

(b) *Maritime mobile-satellite service.* A mobile-satellite service in which mobile earth stations are located on board ships. Survival craft stations and emergency position indicating radiobeacon stations may also participate in this service.

(c) *Space system.* Any group of cooperating earth and/or space stations employing space radiocommunication for specific purposes.

(d) *Satellite system.* A space system using one or more artificial earth satellites.

(e) *Space station.* A station located on an object which is beyond, is intended to go beyond, or has been beyond, the major portion of the earth's atmosphere.

(f) *Earth station.* A station located either on the earth's surface or within the major portion of the earth's atmosphere intended for communication:

- (1) With one or more space stations; or
- (2) With one or more stations of the same kind by means of one or more passive satellites or other objects in space.

(g) *Mobile earth station.* An earth station intended to be used while in motion or during halts at unspecified points.

(h) *Ship earth station.* A mobile earth station in the maritime mobile-satellite service located on board ship.

4. Section 83.22(i) is revised to read as follows:

§ 83.22 Administrative classification of stations.

(i) Stations in the maritime mobile-satellite service subject to this part are licensed as ship earth stations and may be authorized as part of ship station licenses.

5. In Section 83.36 paragraph (a) is revised as follows:

§ 83.36 Application forms for station authorizations.

(a) FCC Form 502 shall be used for filing formal applications for new or modified ship radiotelephone and/or radionavigation station licenses, except for radiotelephone stations required by Title III, Part II of the Communications Act of 1934, as amended, or the Safety of Life at Sea Convention; or except where the applicant is also applying for radiotelegraph equipment aboard the vessel; or except where the applicant is applying for use of frequencies in the maritime satellite services. In the case of the exceptions listed in the preceding sentence, application for a new or modified ship station license or ship earth station license shall be filed on FCC Form 501. Application for a new or modified ship radiotelegraph station license only shall be filed on FCC Form 501. Applications for renewal of radiotelephone stations required by Title III, Part II of the Communications Act of 1934, as amended, or the Safety of Life at Sea Convention, and for renewal of all ship licenses which are solely for radiotelegraph or include radiotelegraph shall be filed on FCC Form 405-A. An application for renewal of ship radiotelephone station license (other than those listed in the preceding sentence) and/or ship radionavigation station license shall be filed on FCC Form 405-B.

6. Add a new Section 83.51 as follows:

§ 83.51 Supplemental information for Maritime Space Systems, Services and Stations.

(a) Each application for a ship earth station shall include the following as supplemental information:

- (1) Communications services to be used (e.g., telephony, telegraphy, facsimile, high speed data).
- (2) Technical characteristics of ship earth station(s) as follows:

(i) *Antenna Facilities.* (A) Type antenna.

(B) Antenna diameter, meters.

(C) Transmit gain, dBi.

(D) Receive gain, dBi.

(E) Beamwidth (transmit and receive).

(F) Antenna pointing accuracy, degrees.

(G) Antenna patterns for each polarization.

(H) Polarization, circular or linear.

(I) G/T ratio, dB/K.

(J) Axial ratio (for circular polarization), dB.

(ii) *Transmit and Receive Facilities.*

(A) Specific carrier frequencies, MHz.

(B) Transmit saturated power, total and per channel, dBW.

(C) Transmit operating power, total and per channel, dBW.

(D) Level of intermodulation product, dB.

(E) Modulation (types, encoding, special features).

- (F) Modulation index (for FM).
 (G) Pre-emphasis/de-emphasis characteristics.
 (H) Bandwidth of emission, kHz.
 (I) Frequency tolerance, %.
 (J) Level of spurious emission outside the band, dB.
 (K) Oscillator frequency stability, short and long term, ppm.
 (L) Measured or calculated power spectral density (normalized to unity).
 (M) Access scheme.
 (N) Noise temperature (receiver and system), °K.
 (O) Transmit-receive translational frequency.

(3) Reliability and maintainability predictions for ship earth stations including the basis for such predictions.

7. Section 83.131(g) is revised to read as follows:

§ 83.131 Authorized frequency tolerance.

(g) Authorized frequency tolerances for ship earth stations in the maritime mobile-satellite service:

Frequency range, Earth stations:	Tolerance- parts in 10 ⁶
1636.5 to 1644 MHz	5
1644 to 1645 MHz	5

8. Section 83.132(a) (5) is revised to read as follows:

§ 83.132 Authorized class of emission.

- (a) * * *
 (5) Ship earth stations.

1636.5-1644 MHz—F3, F9, P0, P9
 1644-1645 MHz—F3, F9, P0, P9

9. Section 83.133(d) is revised to read as follows:

§ 83.133 Authorized bandwidth.

(d) The authorized bandwidth for ship earth station transmitters shall be the maximum width of the band of frequencies as specified in the authorization. This shall be the occupied or necessary bandwidth, whichever is greater.

10. In section 83.134 a new paragraph (j) is added as follows:

§ 83.134 Transmitter power.

(j) Within the frequency bands 1636.5-1644 MHz the maximum Equivalent Isotropic Radiated Power (EIRP) by a ship earth station in any direction in the horizontal plane or in the direction of the space station shall not exceed +40 dBW in any 4 kHz band in the main beam, except upon a satisfactory showing of need for greater power, in which case a maximum of +55 dBW may be authorized. (EIRP, dBW/4 kHz, refers to the equivalent radiated power in watts relative to an isotropic radiator per 4 kHz bandwidth.)

11. In Section 83.136 paragraph (a) is revised and new paragraphs (d), (e) and (f) added as follows:

§ 83.136 Emission limitations.

(a) Except as otherwise provided in paragraphs (b), (c), (d), and (e) of

this section, the mean power of emissions originating in transmitters authorized under this part (except radiotelegraph survival craft transmitters and transmitters authorized solely for developmental stations) shall be attenuated below the mean power of the transmitter in accordance with the following schedule:

(d) For transmitters operating in the bands 1636.5-1644 MHz the mean power of emissions shall be attenuated below the mean output power of the transmitter, in any 4 kHz band, as follows:

(1) 25 dB where the center frequency is removed from the assigned frequency by more than 50 percent up to and including 100 percent of the authorized band;

(2) 35 dB where the center frequency is removed from the assigned frequency by more than 100 percent up to 250 percent of the authorized bandwidth;

(3) An amount equal to 43 dB plus 10 times the logarithm (to the base 10) of the transmitter power in watts where the center frequency is removed from the assigned frequency by more than 250 percent of the authorized bandwidth;

(e) For transmitters operating in the band 1636.5 to 1644 MHz the peak power of spurious emissions and noise at the input to the transmit antenna shall be attenuated below the peak output power of the transmitter, in any 4 kHz band as follows:

(1) At 1535 MHz, 128 dB increasing linearly to 93 dB at 1622.5 MHz;

(2) 93 dB at 1622.5 MHz increasing linearly to 63 dB at 1636.5 MHz;

(3) 63 dB from 1636.5 MHz to 1645 MHz;

(4) 63 dB at 1645 MHz decreasing linearly to 95 dB at 1660 MHz;

(5) 95 dB at 1660 MHz decreasing linearly to 128 dB at 1750 MHz;

(6) 128 dB outside above range, except for harmonics which shall comply with paragraph 83.136(a) (3).

(f) In any event, when an emission outside of authorized bandwidth causes harmful interference, the Commission may, at its discretion require greater attenuation than specified in paragraphs (d) and (e) of this paragraph.

12. In Section 83.139 paragraph (a) is revised and paragraph (h) is added as follows:

§ 83.139 Acceptability of transmitters for licensing.

(a) Except as provided by paragraphs (c), (d), (f), and (h) of this section, each radiotelephone transmitter authorized in a ship station or marine-utility station (other than transmitters authorized solely for developmental stations) must be type accepted by the Commission.

(h) Pending the establishment of additional technical standards, type acceptance is not required for transmitters operating in the Marisat system in the band 1636.5-1644 MHz, provided that, such equipment shall comply with all the technical standards contained in this

subpart; and that, information required in paragraph 83.51 of Subpart B is submitted with the application for license.

13. New § 83.147 is added to read as follows:

§ 83.147 Antenna performance standard.

Any antenna to be employed on a ship earth station in the maritime mobile-satellite service shall conform to the following standard: the gain of the antenna shall lie within the envelope defined by:

$$6 \cos [3.6 (\theta - 20)] \text{ dB}; \begin{matrix} 6 \text{ dBi}, 13^\circ \leq \theta < 30^\circ \\ 20^\circ \leq \theta < 45^\circ \\ 0 \text{ dBi}, 45^\circ \leq \theta \leq 180^\circ \end{matrix}$$

where θ is the angle in degrees from the axis of the main lobe, and dBi refers to dB relative to an isotropic radiator.

NOTE: Operation of ship earth station antennas at angles of elevation less than 10° measured from the horizontal plane to the central axis of the main lobe may result in degraded service from multipath interference.

14. New § 83.148 is added to read as follows:

§ 83.148 Receiver noise temperatures.

The noise temperature of receivers operating in the maritime mobile-satellite service shall not exceed 240°K for ship earth stations operating in the band 1535 to 1542.5 MHz.

15. New § 83.149 is added to read as follows:

§ 83.149 Antenna axial ratio.

The axial ratio of circularly polarized antennas for ship earth stations operating in the band 1636.5 to 1644 MHz shall not exceed 1.0 dB.

16. In § 83.152 paragraph (a) is revised to read as follows:

§ 83.152 Operator required.

(a) Except as otherwise provided in § 83.164, the actual operation of transmitting apparatus in any radio station in the maritime mobile, maritime mobile-satellite or maritime radiodetermination services on board a ship of the United States shall be performed only by a person holding a commercial radio operator license or permit of the required class. The minimum class of radio operator authorization required for operation of each specific classification of station is set forth in this subpart; subject, however, to the provisions of §§ 83.160, 83.161, and 83.162.

17. Section 83.159 is amended as follows:

§ 83.159 Operator requirements for noncompulsory stations.

Description of station:	Minimum operator authorization
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Ship earth station..... P-2

18. Add a new § 83.185 as follows:

§ 83.185 Stations in the maritime mobile-satellite service.

The provisions of § 83.171, 83.173, 83.174, 83.175, 83.176, 83.177, 83.178(a), 83.180, 83.181(a), 83.182, 83.183 and

83.184 shall apply to the operation of ship earth stations in the maritime mobile-satellite service.

19. Add a new § 83.253 as follows:

§ 83.253 Stations in the maritime mobile-satellite service.

The provisions of § 83.231, 83.232, 83.235(c), 83.242(a), 83.247 (a) and (d), and 83.252(a) shall apply to the operations of ship earth stations in the maritime mobile-satellite service.

20. Section 83.433(b) is amended as follows:

§ 83.433 Assignable frequencies.

- (b) * * *
- | |
|--------------------|
| 2450 to 2500 MHz |
| 6425 to 6575 MHz |
| 11700 to 12200 MHz |
| 17700 to 19700 MHz |
| 27500 to 29500 MHz |

§ 83.433 [Removed]

21. Delete Section 83.433(d) in its entirety.

22. Add a new Subpart AB as follows:

Subpart AB—Maritime Mobile-Satellite Service

- Sec.
- 83.840 Supplemental eligibility requirements.
- 83.841 Scope of communications.
- 83.842 Frequencies available.
- 83.843 Station records.

Subpart AB—Maritime Mobile-Satellite Service

§ 83.840 Supplemental eligibility requirements.

A station license for a ship earth station in the maritime mobile-satellite service may be issued to the owner or operator of a ship.

§ 83.841 Scope of communications.

Ship earth stations shall be used for telecommunications related to the operation of ships and for public correspondence of persons on board.

§ 83.842 Frequencies available.

(a) The frequency bands listed in the following table may be authorized to ship earth stations in the maritime mobile-satellite service. The conditions of use applicable to the respective bands are set forth in paragraph (b) of this section.

Band (MHz):	Conditions of use
1636.5 to 1644	1, 2, 3
1644 to 1645	2, 3, 4, 5

(b) Authorization to operate in the frequency bands designated in paragraph (a) of this section shall be subject to the express limitations and conditions set forth in this paragraph.

(1) The use of the band 1636.5-1644 MHz is limited to transmissions from ship earth stations in the maritime mobile-satellite service to space stations for communication and/or radiodetermination purposes.

(2) Shared by Government and non-Government.

(3) Available for space telecommand functions performed in conjunction with

maritime mobile-satellite systems operating in these bands.

(4) Authorized for developmental operations only.

(5) The use of the band 1644-1645 MHz is limited to transmissions from earth to space stations in the aeronautical mobile-satellite (R) and maritime mobile-satellite services for communication and/or radiodetermination purposes. The use of this band is subject to prior operational coordination between the two services.

§ 83.843 Station Records.

Beginning July 1, 1977, measurements of the technical parameters of Sections 83.134, 83.136, 83.146, 83.147, 83.148 and 83.149, shall be recorded semiannually. Such records shall be preserved for a period of three years from date of recording and shall be made available, on request to the Commission.

[FR Doc. 75-26462 Filed 10-2-75; 8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Rel. No. 34-11656; File No. S7-573]

APPLICATION OF NET CAPITAL REQUIREMENTS TO MUNICIPAL SECURITIES DEALERS AND SPECIALISTS

Extension of Comment Period

Correction

In FR Doc. 75-25282 appearing at page 43743 in the FEDERAL REGISTER of September 23, 1975, the FR citation in the second line is corrected to read 40 FR 33747 and 34422.

SEPTEMBER 25, 1975.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 75-26467 Filed 10-2-75; 8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 3]

VETERANS BENEFITS

Eligibility for Educational Benefits

The Administrator of Veterans' Affairs proposes a regulatory change to Part 3 of Title 38, Code of Federal Regulations, to incorporate an additional provision relating to eligibility for educational benefits under chapter 35 of title 38, United States Code.

Section 1701 of title 38, United States Code, sets forth the basic eligibility requirements for benefits under chapter 35. Regulatory provisions relating to basic eligibility for such benefits are contained in § 3.807 of Title 38, Code of Federal Regulations. Public Law 91-584 (84 Stat. 1575) amends section 1701 to extend basic eligibility to the child or wife (husband) of a member of the Armed Forces on active duty who, for more than 90 days, has been listed as (1) missing in action, (2) captured by hostile forces, or (3) forcibly detained or interned by a foreign government or power. It is pro-

posed to amend § 3.807 to incorporate this provision in the regulations. Minor editorial changes are made in §§ 3.805 and 3.806 to reflect these provisions apply to male and female veterans and beneficiaries.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans' Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420. All relevant material received before November 3, 1975, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is given that the change to § 3.807 would be effective December 24, 1970, the effective date of Public Law 91-584. The editorial changes in §§ 3.805 and 3.806 would be effective the date of final approval.

1. In § 3.805, paragraphs (d), (e), (f) and the cross reference are revised to read as follows:

§ 3.805 Loan guaranty for widows: certification.

(d) The widow (widower) meets the requirements of the term "widow" ("widower") as outlined in § 3.50; and
(e) The veteran's widow (widower) is unmarried; and

(f) The applicant is not herself (himself) an eligible veteran.

CROSS REFERENCES: Wife, widow or spouse. See § 3.50(b). Terminated marital relationships. See § 3.55.

2. In § 3.806 the portion of paragraph (a) preceding subparagraph (1) is revised to read as follows:

§ 3.806 Death gratuity; certification.

(a) Where a veteran dies on or after January 1, 1957, and during the 120-day period which begins on the day following the date of his or her discharge or release from active duty, active duty for training, or inactive training duty, the Veterans Administration will certify that fact to the Secretary concerned if the Veterans Administration determines on the basis of a claim filed with it that:

3. In § 3.807, the introductory portion preceding paragraph (a) and paragraphs (a) and (b) are revised to read as follows:

§ 3.807 Dependents' educational assistance; certification.

For the purposes of dependents' educational assistance under 38 U.S.C. ch.

35 (see § 21.3020 of this chapter), the child, wife (husband) or widow (widower) of a veteran or serviceman (servicewoman) will have basic eligibility if the following conditions are met:

(a) *General.* Basic eligibility exists if the veteran:

(1) Was discharged from service under conditions other than dishonorable, or died in service; and

(2) Has a permanent total service-connected disability; or

(3) A permanent total service-connected disability was in existence at the date of the veteran's death; or

(4) Died as a result of service-connected disability; or (if a serviceman or servicewoman)

(5) Is on active duty as a member of the Armed Forces and now is, and, for a period of more than 90 days, has been listed by the Secretary concerned as missing in action, captured in line of duty by a hostile force, or forcibly detained or interned in line of duty by a foreign Government or power.

(b) *Service.* Service-connected disability or death must have been the result of active military, naval, or air service on or after April 21, 1898. (Pub. L. 89-358; 80 Stat. 12) Effective September 30, 1966, educational assistance for a child (but not for a wife (husband) or widow (widower)) may be authorized based on service in the Philippine Commonwealth Army or as a Philippine Scout as defined in § 3.8 (b), (c), or (d). 38 U.S.C. 1765)

Approved: September 29, 1975.

By direction of the Administrator.

[SEAL] ODELL W. VAUGHN,
Deputy Administrator.

[FR Doc. 75-26530 Filed 10-2-75; 8:45 am]

[38 CFR Part 3]

VETERANS BENEFITS

Disability Rating Determinations

The Administrator of Veterans' Affairs proposes changes to provisions in Part 3 of Title 38, Code of Federal Regulations, relating to disability rating determinations.

Section 3.314 of Title 38 pertains to basic determinations in pension cases. Editorial changes are made in this section to delete a reference to Indian War veterans and clarify the provision relating to combinations of non-service-connected and service-connected disabilities in pension cases.

Section 3.315 of Title 38 prescribes basic eligibility determinations to be made for dependents, loans, and veterans' educational assistance. Paragraphs (b) and (c) are amended to reflect that service in the armed forces after May 7, 1975, is peacetime service. This change results from Presidential Proclamation 4373 (40 F.R. 20257) which designated May 7, 1975, as the last day of the Vietnam era.

Section 3.326 of Title 38 specifies conditions under which physical examina-

tions of claimants by the Veterans Administration may be authorized or will not be required. Paragraphs (a) and (d) are amended to specifically include widowers' and parents' claims for aid and attendance allowance and children's claims based on permanent incapability of self-support. Pursuant to the amendment of § 3.326(d), § 3.157(b)(2) is amended to except private physicians' statements meeting the provisions of that paragraph from the requirement for verification by Veterans Administration examination.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans' Affairs, Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420. All relevant material received before November 3, 1975, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is given that the amendments to §§ 3.157, 3.314 and 3.326 would be effective the date of final approval. The change to § 3.315 would be effective May 7, 1975.

1. In § 3.157, paragraph (b) (2) and (3) is revised to read as follows:

§ 3.157 Report of examination or hospitalization as a claim for increase or to reopen.

(b) * * *

(2) *Evidence from a private physician or layman.* The date of receipt of such evidence will be accepted when the evidence furnished by or in behalf of the claimant is within the competence of the physician or lay person and shows the reasonable probability of entitlement to benefits. Except where the statement of a private physician meets the requirements of § 3.326(d), the evidence must be verified by official examination prior to granting benefits.

(3) *State and other institutions.* When submitted by or on behalf of the veteran and entitlement is shown, date of receipt by the Veterans Administration of examination reports, clinical records, and transcripts of records will be accepted as the date of receipt of a claim if received from State, county, municipal, recognized private institutions, or other Government hospitals (except those described in paragraph (b) (1) of this section). These records must be authenticated by an appropriate official of the institution. Benefits will be granted if the records are adequate for rating purposes; otherwise findings will be veri-

fied by official examination. Reports received from private institutions not listed by the American Hospital Association must be certified by the Chief Medical Officer of the Veterans Administration or physician designee.

2. In § 3.314, paragraphs (a) (2) and (b) (1) and (2) are revised to read as follows:

§ 3.314 Basic pension determinations.

(2) Veterans entitled to pension on the basis of service in the Spanish-American War may be entitled to an increased rate of pension if rated as being in need of regular aid and attendance. Veterans who have elected pension under Public Law 86-211 (73 Stat. 432) who are not rated as being in need of regular aid and attendance may be entitled to increased pension based on 100 percent permanent disability together with independent disability of 60 percent or more or by reason of being permanently housebound as provided in § 3.351(d). (38 U.S.C. 502(b), (c), 512).

(b) *Mexican border period and later war periods.* Non-service-connected disability and death pension may be paid based on service in the Mexican border period, World War I, World War II, the Korean conflict and the Vietnam era. Rating determinations in such claims will be required in the following situations:

(1) Claims based on service of less than 90 days may require a determination as to whether the veteran was discharged or released from service for a service-connected disability or had at the time of separation from service a service-connected disability, shown by official service records, which in medical judgment would have warranted a discharge for disability. Eligibility in such cases requires a finding that the disability was incurred in or aggravated by service in line of duty without benefit of presumptive provisions of law or Veterans Administration regulations (38 U.S.C. 521 (g) (2)) unless, in the case of death pension, the veteran was, at the time of death, receiving (or entitled to receive) compensation or retirement pay based upon a wartime service-connected disability. (38 U.S.C. 541(a) and 542(a)).

(2) Determinations of permanent total disability for pension purposes will be based on non-service-connected disability or combined non-service-connected and service-connected disabilities not the result of willful misconduct or vicious habits. However, for pension under Public Law 86-211 (73 Stat. 432), permanent and total disability will be presumed where the veteran has attained age 65. (38 U.S.C. 502(a), 523(a)).

3. In § 3.315, paragraphs (b) and (c) are revised to read as follows:

§ 3.315 Basic eligibility determinations: dependents, loans, education.

(b) *Loans.* Where a World War II veteran or a Korean conflict veteran had

less than 90 days' service, or a veteran who served on or after February 1, 1955, had less than 181 days' service on active duty as defined in §§ 36.4301 (gg) and 36.4501 (o) of this chapter, eligibility of the veterans for a loan under 38 U.S.C. ch. 37 requires a determination that the veteran was discharged or released because of a service-connected disability or that the official service department records show that he or she had at the time of separation from service a service-connected disability which in medical judgment would have warranted a discharge for disability. These determinations are subject to the presumption of incurrence under § 3.304(b). Determinations based on World War II, Korean conflict and Vietnam era service are also subject to the presumption of aggravation under § 3.306(b) while determinations based on service on or after February 1, 1955, and before August 5, 1964, or after May 7, 1975, are subject to the presumption of aggravation under § 3.306 (a) and (c). The provisions of this paragraph are also applicable, regardless of length of service, in determining eligibility to the maximum period of entitlement based on discharge or release for a service-connected disability.

(38 U.S.C. 1802, 1818)

(c) *Veterans' educational assistance.* Where a veteran who served on or after February 1, 1955, had less than 181 days' service on active duty, as defined in § 21.1040 of this chapter, eligibility for educational assistance under 38 U.S.C. ch. 34 requires a determination that the veteran was discharged or released because of a service-connected disability or that the official service department records show that he or she had at the time of separation from service a service-connected disability which in medical judgment would have warranted a discharge for disability. These determinations are subject to the presumptions of incurrence under § 3.304(b) and aggravation under § 3.306 (a) and (c), based on service rendered on or after February 1, 1955 and before August 5, 1964, or after May 7, 1975, and under § 3.306(b) based on service rendered during the Vietnam era.

(38 U.S.C. 1652(a))

4. Section 3.324 is revised to read as follows:

§ 3.324 Multiple noncompensable service-connected disabilities.

Whenever a veteran is suffering from two or more separate permanent service-connected disabilities of such character as clearly to interfere with normal employability, even though none of the disabilities may be of compensable degree under the 1945 Schedule for Rating Disabilities the rating agency is authorized to apply a 10-percent rating, but not in combination with any other rating.

5. In § 3.326, paragraphs (a) and (d) are revised to read as follows:

§ 3.326 Examinations.

(a) Where the reasonable probability of a valid claim is indicated in any claim

for disability compensation or pension, whether as an original claim, a reopened claim, or a claim for increase, including claims for benefits under the situations set forth in § 3.351 (d) and (e) and for benefits based on the need of a veteran, widow, widower, or parent for regular aid and attendance and for benefits based on a child's incapability of self-support, a Veterans Administration examination will be authorized.

(d) A statement from a private physician may be accepted for rating the pension claim of a veteran, widow, or widower, a claim for aid and attendance allowance by a widow, widower, or parent, or a claim by a child based on permanent incapability of self-support, without further examination where it includes clinical manifestations and substantiation of diagnosis by findings of diagnostic techniques generally accepted by medical authorities, such as pathological studies, X-rays and laboratory tests as appropriate, and is otherwise adequate for rating purposes.

Approved: September 25, 1975.

By direction of the Administrator.

[SEAL] ODELL W. VAUGHN,
Deputy Administrator.
[FR Doc.75-26529 Filed 10-2-75;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1952]

SOUTH CAROLINA

Proposed Supplement to Approved Plan

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) for the review of changes and progress in the development and implementation of State plans which have been approved in accordance with section 18 (c) of the Act and 29 CFR Part 1902. On December 6, 1972, a notice was published in the FEDERAL REGISTER (37 FR 25932) on the approval of the South Carolina plan and adoption of Subpart C of Part 1952 containing the decision and describing the plan. On July 10, 1975, the State of South Carolina submitted a supplement to the plan involving a developmental change to the Atlanta Regional Office of the Occupational Safety and Health Administration. Following regional review, the supplement was forwarded to the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) for his determination as to whether it should be approved. The supplement is described below.

2. *Description of the supplement.* In accordance with the commitment in 29 CFR 1952.103(c) South Carolina has completed development of a management information system designed to provide the data required by the Assistant Sec-

retary in monitoring the State program and information necessary for internal management of resources and evaluation of program performance. The system has both automated and manual components and is fully described in the supplement which replaces section 11.07 of the plan narrative.

3. *Location of the plan and its supplement for inspection and copying.* A copy of the plan and its supplement may be inspected and copied during normal working hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room N-3112, 200 Constitution Avenue, N.W., Washington, D.C. 20210; Regional Office, Occupational Safety and Health Administration, Suite 587, 1375 Peachtree Street, N.E., Atlanta, Georgia 30309; and the South Carolina Department of Labor, 3600 Forest Drive, Columbia, South Carolina 29211.

4. *Public participation.* Interested persons are hereby given until November 3, 1975 in which to submit written data, views, and arguments concerning whether the supplement should be approved. Such submissions are to be addressed to the Associate Assistant Secretary for Regional Programs at his address as set forth above where they will be available for inspection and copying.

Any interested person may request an informal hearing concerning the proposed supplement by filing particularized written objections with respect thereto within the time allowed for comments with the Associate Assistant Secretary for Regional Programs. If, in the opinion of the Assistant Secretary substantial objections are filed which warrant further public discussion, a formal or informal hearing on the subjects and issues involved may be held.

The Assistant Secretary shall consider all relevant comments, arguments and requests submitted in accordance with this notice and shall thereafter issue his decision as to approval or disapproval of the supplement, make appropriate amendments to Subpart C of 1952, and initiate further proceedings, if necessary.

Signed at Washington, D.C. this 29th day of September 1975.

JOHN T. DUNLOP,
Secretary of Labor.

[FR Doc.75-26467 Filed 10-2-75;8:45 am]

[29 CFR Part 1952]

WASHINGTON

Proposed Supplements to Approved Plan

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under Section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) for the review of changes and progress in State plans which have been approved in accordance with Section 18(c) of the Act and 29 CFR Part 1902. On January 26, 1973, notice was published in the FEDERAL REGISTER (38 FR 2421) of the approval of the Washington Plan and

the adoption of Subpart F to Part 1952 containing this decision. On July 1, 1974, September 20, 1974, November 14, 1974, and November 15, 1974, the State of Washington submitted supplements to the plan involving developmental changes and State initiated changes to the Seattle Regional Office of the Occupational Safety and Health Administration. Following regional review, the supplements were forwarded to the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter referred to as the Assistant Secretary) for his determination as to whether they should be approved. These supplements are described below.

2. *Description of the supplements.* (a) Compliance Manual. The State has submitted a Compliance Operations Manual which is modeled after the Federal Field Operations Manual.

(b) Regulations for Administrative Review (Washington Administrative Code Chapter 296-14). The concept of Reassumption of Jurisdiction was embodied in the Washington Industrial Safety and Health Act, Title 49, Chapter 17 (hereinafter referred to as WISHA) which was approved as a completion of a developmental step July 10, 1974 (39 FR 25325). The reassumption of jurisdiction by the Director of the Department of Labor and Industries (hereinafter referred to as the Director) over all or any part of a Notice of Appeal is to afford an opportunity to those parties who are authorized to present facts, opinions and other relevant information to do so in support of or in opposition to, the subject matter of the appeal. This supplement describes the purpose, procedures, posting requirements, documentation of evidence, time requirements, criteria for reassumption, conduct of informal conferences, and method of final determination or redetermination.

(c) Regulations for Recording and Reporting Occupational Injuries and Ill-

nesses and Posting of Notices (WAC Chapter 296-27). The regulations provide for rules for recordkeeping and reporting of injuries and illnesses by all employers covered under WISHA; for developing information regarding the causes and prevention of such injuries and illnesses; and for maintaining a program of collection, compilation, and analysis of industrial safety and health statistics. This supplement describes maintenance of an occupational injuries and illnesses log and period covered by the log; supplementary record of injuries and illnesses; annual summary; retention of records; responsibilities of employers with employees not in fixed establishments; employee access to records; employer reporting of fatality or multiple hospitalization accidents; penalties for falsification of or failure to keep records; petitions for recordkeeping exceptions; description of the Washington Industrial Safety and Health Administration statistical program and duties of employers regarding this program; and regulations for employer posting of notices, availability of the Act and applicable standards.

(d) Interagency Agreement. An agreement, dated November 15, 1974, between the Washington Industrial Safety and Health Administration and the Washington Department of Social and Health Services, under which Department personnel will make inspections, applying WISHA standards, in the area of ionizing radiation has also been submitted.

3. *Location of the plan and its supplements for inspection and copying.* A copy of the plan and its supplements may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room N-3112, 200 Constitution Avenue, N.W., Washington, D.C. 20210; Office of

the Assistant Regional Director, Occupational Safety and Health Administration, Room 6048, 909 First Avenue, Seattle, Washington 98174; and the Department of Labor and Industries, General Administrative Building, Olympia, Washington 98504.

4. *Public participation.* Interested persons are hereby given until November 3, 1975 in which to submit written data, views, and arguments concerning whether the supplements should be approved. Such submissions are to be addressed to the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room N-3112, 200 Constitution Avenue, N.W., Washington, D.C. 20210, where they will be available for inspection and copying.

Any interested person may request an informal hearing concerning the proposed supplements by filing particularized written objections with respect thereto within the time allowed for comments with the Associate Assistant Secretary for Regional Programs. If in the opinion of the Assistant Secretary, substantial objections are filed which warrant further public discussion, a formal or informal hearing on the subjects and issues involved may be held.

The Assistant Secretary shall consider all relevant comments, arguments, and requests submitted in accordance with this notice and shall thereafter issue his decision as to approval or disapproval of the supplements, make appropriate amendments to Subpart F of Part 1952, and initiate further proceedings, if necessary.

Signed at Washington, D.C. this 29th day of September 1975.

JOHN T. DUNLOP,
Secretary of Labor.

[FR Doc. 75-26468 Filed 10-2-75; 8:45 am]

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

LAKEVIEW DISTRICT MULTIPLE USE ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the Multiple Use Advisory Board for the Lakeview District, Bureau of Land Management, will meet on November 4 and 5, 1975.

The meeting will begin at 9 a.m., November 4, 1975, at the Lakeview District Office, 357 North L. Street, Lakeview, Oregon. The meeting will continue on November 5, 1975, at the same location if necessary for completion of the Board's agenda.

The agenda for the meeting will include a discussion of the Board's charter and responsibilities, organization of the Board and election of officers, a summary presentation of on-going Bureau Programs and responsibilities, a status report on each resource program in the District, a discussion of items the Board may want to bring before the Oregon State Multiple Use Advisory Board and Presentation of the Board's recommendations and advice to the District Manager concerning any of the resource programs of the District.

The meeting is open to the public with seating provided for approximately 20 people. Time will be made available for a limited number of brief statements by members of the public. Those wishing to make an oral statement should so inform the District Manager prior to the meeting. Written statements may be filed for the Board's consideration by submitting them at the meeting or mailing in advance to the Bureau of Land Management at the address listed below.

Further information concerning the meeting may be obtained from Marvin LeNoue, District Manager, Lakeview District, 357 North L. Street, Lakeview, Oregon 97630. Telephone: (503) 947-2177.

Minutes of the meeting will be available at the Lakeview District Office for public inspection and copying thirty days after the meeting.

MARVIN LENOUE,
District Manager.

SEPTEMBER 25, 1975.

[FR Doc.75-26511 Filed 10-2-75; 8:45 am]

OUTER CONTINENTAL SHELF RESEARCH MANAGEMENT ADVISORY BOARD

Notice and Agenda for Meeting

This Notice is issued in accordance with the provisions of the Federal Advisory Committee Act, Public Law No. 92-643, 5 U.S.C. App. I and the Office of

Management and Budget's Circular No. A-63, Revised.

The Outer Continental Shelf Research Management Advisory Board will meet during the period 9:30 a.m., October 23 to 4 p.m. October 24, in Rooms 7000 A and B, Department of the Interior, 18th and E Streets NW., Washington, D.C.

The meeting will cover the following principal subjects:

1. Basic OCS program—

Review of the OCS leasing schedule—progress in implementing June 1975 schedule; problems encountered and revisions made.

The OCS leasing system—criteria for area designation and selection or exclusion of tracts.

Standards and regulation for OCS oil and gas operations—platforms and other systems.

Rationale for total OCS environmental program—information sought, relation to OCS operations, and interrelation among program elements.

2. Status summary of environmental work in progress—bench mark, monitoring and special studies.

3. OCS environmental work in planning—South Atlantic, North Atlantic, and South Texas.

4. Committee reports—

Ad hoc committee on MAFLA program. Ad hoc committee on guidelines for OCS data gathering.

Ad hoc committee on nearshore and coastal studies.

5. Special reports—

Work in progress in National Ocean Policy Study—OCS research and its relation to coastal zone management.

Pending legislation which relates to OCS research and development.

Geologic research on the Atlantic OCS. Status of coastal zone management program.

BLM seminar on trace metals and hydrocarbons.

6. General business—

Restructuring of the Board.

Action on Board recommendations.

Other matters for Board consideration.

The meeting is open to the public and written or oral statements concerning the agenda items are welcome. Those who expect to attend should make this known not later than October 17 to the Board's chairman:

Frank E. Clarke, Senior Scientist, U.S. Geological Survey, Room 4443, Interior Building, Washington, D.C. 20240.

Written statements also should be submitted to the Chairman not later than October 31.

GEORGE L. TURCOTT,

Associate Director,

Bureau of Land Management.

SEPTEMBER 29, 1975.

JACK HORTON,
Assistant Secretary
of the Interior.

Dated: September 29, 1975.

[FR Doc.75-26503 Filed 10-2-75; 8:45 am]

Bureau of Outdoor Recreation

[INT DES 75-54]

PROPOSED NEW RIVER GORGE NATIONAL WILD AND SCENIC RIVER

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act, the Bureau of Outdoor Recreation has prepared a draft environmental statement for the proposed New River Gorge National Wild and Scenic River in West Virginia.

The environmental statement considers the probable impact of establishing the New River Gorge as a component of the National Wild and Scenic Rivers System.

Comments are invited and should be submitted to the Regional Director, Bureau of Outdoor Recreation, 600 Arch Street, Philadelphia, Pennsylvania 19106, within 45 days. Copies of the draft statement are available for inspection at the following locations:

Office of Communications, Department of the Interior, Room 7200, Washington, D.C. 20240. Telephone: (202) 343-4662.

Office of Information, Bureau of Outdoor Recreation, Room 4427, Department of the Interior, Washington, D.C. 20240. Telephone: (202) 343-5726.

Office of Regional Director, Bureau of Outdoor Recreation, 600 Arch Street, Philadelphia, Pennsylvania 19106. Telephone: (215) 597-7991.

State Clearinghouse, Grant Information Department, Office of Federal State Relations, Room W-140, State Capitol Building, Charleston, West Virginia 25305.

Area-wide Clearinghouse, Region I Planning and Development Council, 201 Blair Building, Beckley, West Virginia 26003.

Area-wide Clearinghouse, Region IV Planning and Development Council, Box 505, Summersville, West Virginia 26651.

Single copies are available to the public and may be obtained by writing to the Regional Director, Bureau of Outdoor Recreation, 600 Arch Street, Philadelphia, Pennsylvania 19106. Please refer to the statement number shown above.

Date: September 29, 1975.

STANLEY D. DOREMUS,
Deputy Assistant
Secretary of the Interior.

[FR Doc.75-26515 Filed 10-2-75; 8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10

of the Endangered Species Act of 1973 (P.L. 93-205).

Applicant:

New Jersey Division of Fish, Game and Shellfisheries, Department of Environmental Protection, Post Office Box 1809, Trenton, New Jersey 08625.

Mr. Russell A. Cookingham, Director.
Mr. Paul D. McLain, Project Leader, Endangered & Nongame Species Project.

2. The following endangered species might be among those encountered and should be included under this permit:

Shortnose Sturgeon—*Acipenser brevirostrum*

Atlantic Ridley Turtle—*Lepidochelys kempii*

Hawksbill Turtle—*Eretmochelys imbricata*

Leatherback Turtle—*Dermochelys coriacea*

American Alligator—*Alligator mississippiensis*

Nile Crocodile—*Crocodylus niloticus*

Southern Bald Eagle—*Haliaeetus leucocephalus*

American Peregrine Falcon—*Falco peregrinus anatum*

Indiana Bat—*Myotis sodalis*

Blue Whale—*Balaenoptera musculus*

Pinback Whale—*Balaenoptera physalus*

Humpback Whale—*Megaptera novaeangliae*

Right Whale—*Eubalaena spp.*

Sei Whale—*Balaenoptera borealis*

CARNIVORES

Tiger Cat—*Felis tigrina*

Cheetah—*Acinonyx jubatus*

Cougar, Eastern—*Felis concolor cougar*

Jaguar—*Panthera onca*

Leopard—*Panthera pardus*

Margay—*Felis wiedii*

Ocelot—*Felis pardalis*

Tiger—*Panthera tigris*

Eastern timber wolf—*Canis lupus lycaon*

3. The effect of this permit will assist in the enforcement and management of endangered species regulation and hopefully, reduce the drain on exotic wildlife coming from foreign countries.

4. The research conducted on the peregrine falcon and possible the bald eagle could be instrumental in re-establishing the wild populations in New Jersey. All endangered species possessed will be housed in suitable zoological conditions under supervision of this Division and the appropriate office of the Fish and Wildlife Service will be notified. No importation or exportation of endangered species will be made without specific permission of the U.S. Fish and Wildlife Service.

Enclosed is a copy of a contract with Cornell University relative to the peregrine falcon research.

CONTRACT

THIS CONTRACT, entered into between the State of New Jersey, Department of Environmental Protection, Division of Fish, Game and Shellfisheries and Cornell University, Laboratory of Ornithology, the "Peregrine Fund," and Dr. Thomas Cade, Professor of Ornithology, Cornell University, Ithaca, New York, hereafter referred to as Cornell University and the Peregrine Fund, mutually agree as follows:

DESCRIPTION OF WORK

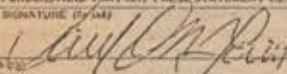
Project Title

An investigation into the possibilities of establishing the Peregrine Falcon (*Falco peregrinus*) into nesting and habitat sites in the State of New Jersey. To research the literature and locate former Peregrine Falcon nesting areas.

Perspective and Scope

Reasons for Undertaking the Work: The Peregrine Falcon which formerly bred in limited sections of New Jersey is presently on the Federal and State Endangered Species lists. The plight of the Peregrine Falcon has attracted national attention and concern due to its rapid demise nationwide and the fact that this raptor may soon become extinct unless immediate action is taken.

There presently exists a dire need to investigate the range requirements of the Peregrine Falcon and to evaluate management

DEPARTMENT OF THE INTERIOR U.S. FISH AND WILDLIFE SERVICE FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION		1. APPLICATION FOR (Indicate only one)	
		☐ IMPORT OR EXPORT LICENSE ☒ PERMIT	
		2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED. Working with N. J. Endangered Species Project. It is necessary to possess, transport endangered wildlife species during the normal course of activity. The Division of Fish and Game is the Agency responsible for the handling of all wildlife in New Jersey	
3. APPLICANT, (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested) Paul D. McLain Project Leader Endangered & Nongame Species Project N. J. Division of Fish & Game P. O. Box 1809, Trenton, NJ 08625		5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING: EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION State Government	
4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING: SEX: ☒ M ☐ F HEIGHT: 5'10" WEIGHT: 170 DATE OF BIRTH: 10/25/25 COLOR HAIR: Br. COLOR EYES: Blue PHONE NUMBER WHERE EMPLOYED: 609-292-2965 SOCIAL SECURITY NUMBER: 130-14-0628 OCCUPATION: State of N. J. Biologist ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT: U. S. Fish & Wildlife Service, Cornell University, Rutgers University, Trenton State Museum		6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED State of New Jersey	
7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? (If yes, list license or permit number) Federal Collecting Permit 5-SO-5200 Banding permit -6460 Permit to possess and transport Endangered Species -1202		8. HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSED? ☐ YES ☐ NO (If yes, list jurisdiction and type of document)	
9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF \$		10. DESIRED EFFECTIVE DATE: 7/1/75 11. DURATION NEEDED: Five years	
12. ATTACHMENTS, THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 22.22AD) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.			
CERTIFICATION I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 22, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.			
SIGNATURE (of applicant) 		DATE Aug 14/1975	

1. The purpose of this permit application is to allow the State of New Jersey, Division of Fish, Game and Shellfisheries to temporarily possess, transport and hold certain species of federally endangered and threatened wildlife during the division's routine enforcement, salvage and management activities.

Presently the division is engaged in a cooperative peregrine falcon program with Cornell University. In addition we are frequently called on to assist with the identification and disposition of whales which wash up on the coastal beaches. Occasionally, twice last year, dead bald eagles are reported or brought into the division office. Our fishery people occasionally salvage dead or injured short-nosed sturgeon.

This division is also responsible for supervision and licensing of two of the largest drive through zoos in the world and also a number of smaller zoos. Endangered species are brought in and out of these zoos and close supervision is required.

This permit will allow the Division of Fish, Game and Shellfisheries to cooperate to a greater extent with the U.S. Fish and Wildlife Service where endangered and threatened wildlife is concerned. Close coordination and contact will be maintained with the office of Mr. Jack Downs, Agent in Charge, Kennedy International Airport prior to and following any activities involving species of wildlife on the federal endangered and threatened list.

techniques which may be successful in allowing for an introduction of this falcon into new ranges and habitat conditions.

Based on present information, the Peregrine Falcon is not known to have reproduced in the wild in New Jersey, or any other state east of the Mississippi River for the past 20 years. However, recent research conducted by Cornell University through the Peregrine Fund supervised by Dr. Thomas Cade has resulted in the first successful major breeding of Peregrine Falcons in captivity. Due to this research and the availability of fertile eggs and young falcons, it may be possible to re-establish this falcon in a number of states in the eastern part of the United States.

As a result of a field trip to New Jersey on March 1, 1975, Dr. Thomas Cade agreed that the coastal wetlands of New Jersey might provide the essential nesting and feeding sites which would be essential in establishing the Peregrine Falcon. Working with Research Investigator Robert Berry, it was agreed that New Jersey might enter into a contract with Cornell University and the Peregrine Fund in an effort to gather information relative to locating suitable nesting and rearing areas and the possible introduction of young falcons on an experimental basis.

Objectives: The primary objective of this research will be to review the available literature, locate and map the historical nesting sites of the Peregrine Falcon, and also to locate possible new nesting and rearing habitat on both state-owned and private lands.

To conduct the research necessary to establish young peregrine falcons on carefully selected and managed habitat types on state-owned lands.

Procedures: A Graduate Student in the Cornell Laboratory of Ornithology will require about seven days to review the literature and conduct on the ground investigation of previously known peregrine nesting areas in New Jersey. He will also evaluate other habitat types where falcons might be successfully introduced.

If the Laboratory or Ornithology and the Peregrine Fund are successful in producing sufficient young falcons during the spring of 1975, it may be possible to experimentally introduce four young falcons into pole type osprey nests on state-owned lands during April and May. It will be necessary for a graduate student to live with and feed these nestlings daily until they fledge and begin to hunt on their own. Each bird will be banded and also equipped with a radio transmitter to make it possible to locate and follow them after they leave the nest. The time between the introduction of the young birds into the nest and fledging may be 6 to 8 weeks.

Justification: Due to the fact that the Peregrine Falcon was once a nesting bird in New Jersey and it is presently designated as an Endangered Species on both the state and federal lists, this species requires immediate attention at the state and federal levels.

The Peregrine Fund, a nonprofit organization and function of Cornell University, is recognized as the leading research agency in the world for Peregrine Falcon research and by working closely with Dr. Thomas Cade of the Cornell University Laboratory of Ornithology, it may be possible to re-establish the Peregrine Falcon as a nesting bird in New Jersey and possibly restore population levels of this Endangered Species.

The research and investigation will be supervised by Dr. Thomas Cade of Cornell University and the Peregrine Fund, and he will be assisted by Mr. Robert Berry, Research Investigator.

The field work will be carried out in New Jersey during the period of April to October, 1975 and any introductions of Peregrine Falcons will be made in cooperation with the New Jersey Division of Fish, Game and Shellfisheries and the U.S. Fish and Wildlife Service. Personnel from the Division's Endangered and Nongame Species Project will directly participate in this investigation.

STATE OF NEW JERSEY
DEPARTMENT OF
ENVIRONMENTAL PROTECTION,

August 18, 1975.

MR. C. R. BAVIN,
Chief, Division of Law Enforcement, U.S.
Department of the Interior, U.S. Fish
and Wildlife Service, Washington, D.C.
20240.

DEAR MR. BAVIN: Thank you for your letter of June 30, 1975 enclosing the application for the endangered species permit. Enclosed please find the application filled out to the extent that we felt was applicable. However, there appears to be many questions on the application which do not relate exactly to our situation. Basically, what we are applying for is a permit for this division to possess, transport, and temporarily hold species of wildlife on the federal endangered species list.

As you may be aware, we now have an active peregrine falcon project for the state and it is necessary to band and handle these birds at various times during research. In addition, we have owls in our custody pending a court case for illegal possession. In addition, we may have to confiscate leopards and possibly timber wolves to be held on a temporary basis.

Last week, we were called upon from the Sandy Hook Park to pick up a weak and disabled immature bald eagle. Also last week we were called upon to recover a Hawksbill turtle washed up on shore. We have also had complaints of Green Sea turtles being sold in pet shops in South Jersey.

It would be highly desirable for this division to have a permit to temporarily transport, possess these and other endangered species. I have listed in the application these species from the standpoint of convenience and also legality.

We have worked closely with Jack Downs of Kennedy Airport and he is most cooperative. However, in as much as we are dealing directly with this resource, we feel it is our feeling that a permit would be highly desirable for this type of activity. I would appreciate your reviewing this permit. Should you need additional information, please advise us and rest assured, we will cooperate in every manner possible with your office.

Very truly yours,

PAUL D. McLAIN,
Project Leader.

STATE OF NEW JERSEY,
DEPARTMENT OF
ENVIRONMENTAL PROTECTION,
August 18, 1975.

MR. C. R. BAVIN,
Chief, Division of Law Enforcement, U.S.
Department of the Interior, U.S. Fish
and Wildlife Service, Washington, D.C. 20240.

DEAR MR. BAVIN: The following information is submitted to be considered for publication in the Federal Register in applying for a federal endangered species permit as required by Public Law 92-205 (Endangered Species Act of 1973).

This application is a request for a permit to band peregrine falcons (*Falco peregrinus*) and to salvage for the purpose of donating to public scientific or educational institutions any peregrines found dead as a result of

banding or some other cause. This permit should be issued in the name of Russell A. Cookingham, Director of the New Jersey Division of Fish, Game and Shellfisheries, P.O. Box 1809, Trenton, New Jersey, Permit No. 6460 with Paul D. McLain, Permit No. 6460B, as Field Agent. The permit should also include other employees under the supervision of Director Cookingham and personnel under contract to the State of New Jersey for peregrine falcon research.

Peregrine falcon banding will be conducted throughout New Jersey's Endangered and Nongame Species Project in cooperation with Dr. P. Prescott Ward, Chief, Environmental Research Office and Dr. Thomas Cade, Cornell University. Research would include the surveillance of barrier beaches in New Jersey to locate spring and fall migration flights and the banding of peregrine falcons on these barrier beaches.

Initially, banding will be confined to Island Beach State Park in Ocean County, New Jersey and Little Beach in Atlantic County, New Jersey. Banding will be done with standard Fish and Wildlife Service metal bands and plastic identification bands coordinated with the bird banding office and Dr. Ward. This banding project will be part of an overall New Jersey peregrine falcon project which will be in cooperation with Dr. Thomas Cade, Cornell University where young peregrine falcons will be banded into towers in New Jersey.

Planned cooperators would be under the supervision of Russell A. Cookingham, Director of the Division of Fish, Game and Shellfisheries, Paul D. McLain, Field Agent and selected employees of the Division and individuals under contract to the State of New Jersey for peregrine falcon research.

The desired effective date of this permit is 15 November 1975; the duration needed is five years, at which time results will be evaluated and a new application will be submitted if necessary.

I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

Very truly yours,

RUSSELL A. COOKINGHAM,
Director.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before November 3, 1975, will be considered.

Dated: September 30, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement,
U.S. Fish and Wildlife
Service.

[FR Doc. 75-26563 Filed 10-2-75; 8:45 am]

**Geological Survey
DOUBLE HOT SPRINGS, NEVADA
Known Geothermal Resources Area**

Pursuant to the authority vested in the Secretary of the Interior by Sec. 21(a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), and delegations of authority in 220 Departmental Manual 4.1 H, Geological Survey Manual 220.2.3, and Conservation Division Supplement (Geological Survey Manual) 220.2.1 G, the following described lands are hereby defined as an addition to the Double Hot Springs Known Geothermal Resources Area, effective March 1, 1974:

(28) NEVADA

DOUBLE HOT SPRINGS KNOWN GEOTHERMAL RESOURCES AREA, MT. DIABLO MERIDIAN, NEVADA

Unsurveyed T. 35½ N., R. 26 E.
Protraction Diagram No. 18
Protracted Sec. 25: All
Protracted Sec. 26: All
Protracted Sec. 33: All
Protracted Sec. 34: All
Protracted Sec. 35: All
Protracted Sec. 36: All
T. 36 N., R. 26 E.
Sec. 6: All
Sec. 7: All
Sec. 17: All
Sec. 18: All
Sec. 20: All
Sec. 28: All
Sec. 29: All
Sec. 32: All
Sec. 33: All

Partially Surveyed T. 37 N., R. 26 E.
Protraction Diagram No. 261

Sec. 4: All
Sec. 9: All
Sec. 10: All
Sec. 15: All
Sec. 16: All
Sec. 20: All
Sec. 21: All
Sec. 22: All
Sec. 28: All
Sec. 29: All
Sec. 30: All
Sec. 31: All

Unsurveyed T. 35½ N., R. 27 E.
Protraction Diagram No. 18
Protracted Sec. 30: All
Protracted Sec. 31: All

Containing 18,510.16 acres, more or less.
Date: August 19, 1975.

WILLARD C. GERE,
Conservation Manager,
Western Region.

[FR Doc.75-26513 Filed 10-2-75; 8:45 am]

**RYE PATCH; PERSHING CO., NEVADA
Known Geothermal Resources Area**

Pursuant to the authority vested in the Secretary of the Interior by Sec. 21(a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), the delegations of authority in 220 Departmental Manual 4.1 H, Geological Survey Manual 220.2.3, and Conservation Division Supplement (Geological Survey Manual) 220.2.1 G, the following described lands are hereby defined as the

Rye Patch known geothermal resources area, effective April 1, 1974.

(28) NEVADA

RYE PATCH KNOWN GEOTHERMAL RESOURCES AREA, PERSHING COUNTY, NEVADA, MT. DIABLO MERIDIAN

Unsurveyed T. 31 N., R. 33 E.
Protracted Diagram #307
Protracted Sec. 4: NW¼
T. 32 N., R. 33 E.
Sec. 32: All

The above area aggregates 800.81 acres (320.3 hectares), more or less.

Date: August 12, 1975.

WILLARD C. GERE,
Conservation Manager,
Western Region.

[FR Doc.75-26512 Filed 10-2-75; 8:45 am]

**GOLDEN SPIKE NATIONAL HISTORIC SITE
Notice of Public Meeting**

Notice is hereby given that a public meeting will be held beginning at 7 p.m., November 20, 1975, in the Community Center, 24 North 3rd West Street, Brigham City, Utah, for the purpose of receiving comments and suggestions on an environmental assessment for planning and implementation of management and development policies for Golden Spike National Historic Site.

An environmental assessment is a discussion of management and development alternatives. It will consider the social, economic, historic, cultural, and other resource values at Golden Spike National Historic Site, as well as development requirements, objectives and commitments for the area.

A copy of the assessment may be obtained from the Superintendent, Golden Spike National Historic Site, Promontory Star Route, Corinne, Utah 84307; from the Assistant to the Regional Director, Utah, 125 S. State Street, Room 2207, Salt Lake City, Utah 84111; or from the Regional Director, Rocky Mountain Region, 655 Parfet Street, Post Office Box 25287, Denver, Colorado 80225.

Interested individuals, representatives of organizations and public officials are invited to express their views in person at the above public meeting. They should notify the Superintendent, Golden Spike National Historic Site, Promontory Star Route, Corinne, Utah 84307, by November 19, 1975, of their desire to appear. Those not wishing to appear in person may submit written statements on the assessment to the Superintendent for inclusion in the official record, which will be open until December 20, 1975. Oral or written comments received will be considered in an environmental review prior to preparation by the National Park Service of the area General Management Plan.

Time limitations may make it necessary to limit the length of oral presentations and to restrict to one person the presentation made in behalf of an organization. An oral statement may, however, be supplemented by a more complete written statement which may be

submitted to the Superintendent at the time of presentation of the oral statement. However, all materials presented at the meeting shall be subject to determinations that they are appropriate for inclusion in the record. To the extent that time is available after presentation of oral statements by those who have given the required advance notice, the Superintendent will give others present an opportunity to be heard.

After an explanation of the proposal by a representative of the National Park Service, the Meeting Facilitator, insofar as possible, will adhere to the following order in calling for the presentation of oral statements:

- (1) Governor of the State or his representative;
- (2) Members of Congress;
- (3) Members of the State Legislature;
- (4) Official representative of the counties in which the area is located;
- (5) Officials of other Federal Agencies or public bodies;
- (6) Organizations in alphabetical order;
- (7) Individuals in alphabetical order; and
- (8) Others not giving advance notice, to the extent there is remaining time.

Dated: August 28, 1975.

LYNN H. THOMPSON,
Regional Director,
Rocky Mountain Region.

[FR Doc.75-26501 Filed 10-2-75; 8:45 am]

**PICTURED ROCKS NATIONAL LAKESHORE
ADVISORY COMMISSION
Meeting**

Notice is hereby given in accordance with Public Law 92-463 that a meeting of the Pictured Rocks National Lakeshore Advisory Commission will be held October 30, 1975, at 3 p.m. (EST) in headquarters building of Pictured Rocks National Lakeshore, Sand Point, Munising, Michigan.

The Commission was established by Public Law 89-668 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of Pictured Rocks National Lakeshore.

Members of the Commission are: Mr. Edward N. Locke (Chairman); Mr. Glenn C. Gregg; Mr. David C. West; Mr. James Becker; Mr. Leo Garlepy.

Matters to be discussed at this meeting include:

1. Proposal for lamprey dam on Miners River.
2. Beaver Basin deer herd.
3. Current construction program at the Lakeshore.
4. Progress on Lakeshore maintenance projects.
5. Priority on construction of proposed campground at Grand Sable Lake.

The meeting is open to the public. It is expected that 25 persons will be able to attend the session in addition to the commission members. Interested persons may file written statements with the official listed below prior to the meeting.

Further information concerning this meeting may be obtained from Robert L. Burns, Superintendent, Pictured Rocks National Lakeshore, P.O. Box 40, Munising, Michigan 49862, telephone 906 387-2607. Minutes of the meeting will be available for public inspection two weeks after the meeting at Pictured Rocks National Lakeshore Headquarters at Sand Point, four miles east of Munising, Michigan.

Date: September 26, 1975.

MERRILL D. BEAL,
Regional Director,
Midwest Region.

[FR Doc.75-26502 Filed 10-2-75;8:45 am]

Office of the Secretary

[INT FES 75-83]

PROPOSED BACK BAY WILDERNESS AREA

Notice of Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91-190, the Department of the Interior has prepared a final environmental statement for the Proposed Back Bay Wilderness Area, Virginia Beach, Virginia.

The proposal recommends that 2,165 acres of the Back Bay National Wildlife Refuge, located in the city of Virginia Beach, Virginia, be included in the National Wilderness Preservation System.

Copies of the final statement are available for inspection at the following locations:

Regional Director, U.S. Fish and Wildlife Service, U.S. Post Office and Courthouse, Boston, Massachusetts 02109.

Refuge Manager, Back Bay National Wildlife Refuge, Suite 218, 287 Pembroke Office Park, Virginia Beach, Virginia 23462.

U.S. Fish and Wildlife Service, Division of Wildlife Refuges, Room 2280, 18th & C Streets NW., Washington, D.C. 20240.

Single copies may be obtained by writing the Environmental Impact Statement Coordinator, Division of Wildlife Refuges, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

Dated: September 29, 1975.

STANLEY D. DOREMUS,
Deputy Assistant
Secretary of the Interior.

[FR Doc.75-26514 Filed 10-2-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

SHIPPERS ADVISORY COMMITTEE

Public Meetings

Pursuant to the provisions of section 10(a)(2) of the Federal Advisory Committee Act (86 Stat. 770), notice is hereby given of meetings of the Shippers Advisory Committee established under Marketing Order No. 905 (7 CFR Part 905). This order regulates the handling

of oranges, grapefruit, tangerines, and tangelos grown in Florida and is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The committee will hold meetings on October 21 and October 28, 1975, at 10:30 a.m. in the A. B. Michael Auditorium of the Florida Citrus Mutual Building, 302 South Massachusetts Avenue, Lakeland, Florida.

The meetings will be open to the public and a brief period will be set aside at each meeting for public comments and questions. The agenda of each meeting includes analysis of current information concerning market supply and demand factors, and consideration of recommendations for regulation of shipments of the named fruits.

The names of committee members, agenda, and other information pertaining to each meeting may be obtained from Frank D. Trovillion, Manager, Growers Administrative Committee, P.O. Box R, Lakeland, Florida 33802; telephone 813-682-3103.

Dated: September 26, 1975.

DONALD E. WILKINSON,
Administrator.

[FR Doc.75-26473 Filed 10-2-75;8:45 am]

Federal Crop Insurance Corporation

[Notice No. 99]

CALIFORNIA ORANGES

Closing Date Extension for Filing of Applications for the 1975 Crop Year

Pursuant to the authority contained in § 406.3 of Title 7 of the Code of Federal Regulations, the time for filing applications for California Orange crop insurance in the California counties listed below is hereby extended until the close of business on October 17, 1975.

Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

CALIFORNIA

Tulare

Fresno
Kern

[SEAL]

M. R. PETERSON,
Manager, Federal Crop
Insurance Corporation.

[FR Doc.75-26547 Filed 10-2-75;8:45 am]

Soil Conservation Service

AOWA CREEK WATERSHED PROJECT, NEBRASKA

Notice of Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8 (b) (3) of the Soil Conservation Service, Guidelines (39 FR 196551) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement

is not being prepared for the Aowa Creek Watershed Project, Dixon County, Nebraska.

The environmental assessment of this federal action indicated that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. Wilson J. Parker, State Conservationist, Soil Conservation Service, USDA, Federal Building-U.S. Courthouse, Room 345, Lincoln, Nebraska 68508, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection, flood prevention, recreation and fish and wildlife management. The remaining planned works of improvement as described in the negative declaration include conservation land treatment supplemented by seven single purpose floodwater retarding structures, forty-four grade stabilization structures, and two multiple purpose structures.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, Federal Building, U.S. Courthouse, Room 345, Lincoln, Nebraska 68508.

Single copy requests for the negative declaration should be sent to the above address.

No administrative action on implementation of the proposal will be taken until October 20, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Service.)

Date: September 11, 1975.

JOSEPH W. HAAS,
Deputy Administrator for Water
Resources, Soil Conservation
Service.

[FR Doc.75-26507 Filed 10-2-75;8:45 am]

Soil Conservation Service

EQUIPMENT GRANT

Notice of Equipment Grant Eligibility Determination

Notice is hereby given, in accordance with 7 CFR 662.2(c), of a determination that the McCormick Soil and Water Conservation District, P.O. Box 126, McCormick, S.C. 29835, is eligible for a grant of the following items of equipment (or materials) to carry out soil and water conservation work:

Motorgrader
Bulldozer

The grant is subject to the availability of the equipment from federal excess property sources, and may be made after November 3, 1975.

G. E. HUEY,
State Conservationist, 240
Stoneridge Drive, Columbia,
S.C. 29210.

[FR Doc.75-26509 Filed 10-2-75;8:45 am]

EQUIPMENT GRANT**Notice of Equipment Grant Eligibility Determination**

Notice is hereby given, in accordance with 7 CFR 662.2(c), of a determination that the Abbeville County Soil and Water Conservation District, P.O. Box 249, Abbeville, S.C. 29620, is eligible for a grant of the following items of equipment (or materials) to carry out soil and water conservation work:

Motorgrader

The grant is subject to the availability of the equipment from federal excess property sources, and may be made after thirty days from the date of this publication.

G. E. HUEY,
State Conservationist, 240
Stoneridge Drive, Columbia,
S.C. 29210.

[FR Doc.75-26510 Filed 10-2-75; 8:45 am]

WILLCOX WATER-BASED RECREATION AREA, RESOURCE CONSERVATION AND DEVELOPMENT (RC&D) MEASURE, ARIZONA**Notice of Availability of Negative Declaration**

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Willcox Water-Based Recreation Area RC&D Measure, Cochise County, Arizona.

The environmental assessment of this federal action indicates that the measure will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the measure. As a result of these findings, Mr. George C. Marks, State Conservationist, Soil Conservation Service, USDA, 6029 Federal Building, 330 North First Avenue, Phoenix, Arizona 85025, has determined that the preparation and review of an environmental impact statement is not needed for this measure.

This measure is a plan for a water-based recreation area as part of the Willcox Community Park. A 6.73-acre lake with associated recreation facilities will be constructed.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA, 6029 Federal Building, 330 North First Avenue, Phoenix, Arizona 85025.

The Negative Declaration is available for single copy requests at the above location.

No administrative action on implementation of the proposal will be taken until October 20, 1975.

Date: September 10, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.901, National Archives Reference Services.)

VICTOR H. BARRY,
Deputy Administrator for Field
Services, Soil Conservation
Service.

[FR Doc.75-26508 Filed 10-2-75; 8:45 am]

DEPARTMENT OF COMMERCE**National Bureau of Standards****FEDERAL INFORMATION PROCESSING STANDARDS TASK GROUP 15 COMPUTER SYSTEMS SECURITY****Meeting**

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. 1 (Supp. III, 1973), notice is hereby given that the Federal Information Processing Standards Task Group 15 (FIPS TG-15), "Computer Systems Security," will hold a meeting from 9 a.m. to 4 p.m. on Tuesday, December 9, 1975, and Wednesday, December 10, 1975, in Room B-163, Building 222, of the National Bureau of Standards at Gaithersburg, Maryland.

The purpose of this meeting is to continue drafting guidelines in five areas of computer systems security: information management; internal controls; teleprocessing and network control; requirements; and risk analysis and methodology.

The public will be permitted to attend, to file written statements, and, to the extent that time permits, to present oral statements. Persons planning to attend should notify Dr. Dennis K. Branstad, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234 (Phone 301-921-3861).

JOHN HOFFMAN,
Acting Director.

SEPTEMBER 29, 1975.

[FR Doc.75-26444 Filed 10-2-75; 8:45 am]

National Oceanic and Atmospheric Administration**ATLANTIC TUNA****Meeting**

A meeting open to individuals interested in Atlantic tuna will be held at 9 a.m., on Thursday, October 30, 1975, in the Penthouse Conference Room, Page One Building, 2001 Wisconsin Avenue NW., Washington, D.C.

The purpose of the meeting is to review U.S. preparations for the Third Regular Meeting of the International Commission for the Conservation of Atlantic Tunas to be convened November 19-25 in Madrid, Spain. The Washington, D.C., discussions will concentrate on the possible conservation needs of Atlantic tuna and tuna-like species.

The public will be admitted to the extent of seating available on a first come, first served basis.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

SEPTEMBER 30, 1975.

[FR Doc.75-26466 Filed 10-2-75; 8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE**Food and Drug Administration**

[Docket No. 75F-0255]

ROUSSEL CORP.**Filing of Petition for Food Additive**

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b) (5), 72 Stat. 1786 (21 U.S.C. 348(b) (5))), notice is given that a petition (FAP 5H3108) has been filed by the Center for Regulatory Services, 2347 Paddock Lane, Reston, VA 22091, on behalf of Roussel Corp., 155 East 44th St., New York, NY 10017, proposing that 121-2505 *Slimicides* (21 CFR 121.2505) be amended to provide for the safe use of 2-(p-hydroxyphenyl)glyoxylohydroxymoyl chloride as a component of slimicides in the manufacture of paper and paperboard intended to contact food.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: September 24, 1975.

HOWARD R. ROBERTS,
Acting Director,
Bureau of Foods.

[FR Doc.75-26459 Filed 10-2-75; 8:45 am]

Office of Education**NATIONAL ADVISORY COUNCIL ON ADULT EDUCATION****Meeting**

Notice is hereby given, pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that the next meeting of the National Advisory Council on Adult Education will be held on October 30-31, 1975, from 9 a.m. to 5 p.m., at the Salt Lake Hilton, 150 West 5th South, Salt Lake City, Utah.

The National Advisory Council on Adult Education is established under Section 311 of the Adult Education Act (80 Stat. 1216.20 U.S.C. 1201). The Council is directed to:

Advise the Commissioner in the preparation of general rules and regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under section 306 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering adult education activities and services.

The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in

this title and other Federal laws relating to adult education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations.

The meeting of the Council shall be open to the public. The proposed agenda includes:

Committee reports of the Council's four standing committees and the Executive Committee.
NACAE Newsletter Ad Hoc Committee Report.
Meeting with Commissioner Bell.
NACAE's Annual Report—1976.
Council action on USOE rules and regulations.

Records shall be kept of all Council proceedings (and shall be available for public inspection at the Office of the National Advisory Council on Adult Education located in Room 323, Pennsylvania Bldg., 425 13th Street NW., Washington, D.C. 20004).

Signed at Washington, D.C. on September 29, 1975.

GARY A. EYRE,
Executive Director, National Advisory Council on Adult Education.

[FR Doc.75-26516 Filed 10-2-75; 8:45 am]

PLANNING AND DEVELOPMENT COMMITTEE OF THE NATIONAL ADVISORY COUNCIL ON ADULT EDUCATION

Meeting

Notice is hereby given, pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that the Planning and Development Committee of the National Advisory Council on Adult Education will meet on October 20, 1975, from 9 a.m. to 3:30 p.m., Office of the National Advisory Council on Adult Education, Room 323, Pennsylvania Bldg., 425 13th Street NW., Washington, D.C.

The National Advisory Council on Adult Education is established under Section 311 of the Adult Education Act (80 Stat. 1216.20 U.S.C. 1201). The Council is directed to:

Advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under section 306 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering adult education activities and services.

The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other Federal laws relating to adult education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations.

The meeting of the Committee shall be open to the public. The proposed agenda includes the development of committee responsibilities and program thrusts for 1976.

Records shall be kept of the Planning and Development Committee proceedings (and shall be available for public inspection at the Office of the National Advisory Council on Adult Education located in Room 323, Pennsylvania Bldg., 425 13th Street NW., Washington, D.C. 20004).

Signed at Washington, D.C. on September 29, 1975.

GARY A. EYRE,
Executive Director, National Advisory Council on Adult Education.

[FR Doc.75-26517 Filed 10-2-75; 8:45 am]

Office of Education

ADVISORY COUNCIL ON WOMEN'S EDUCATIONAL PROGRAMS

Meeting

Notice of Public Meeting of the Executive Committee of the Advisory Council on Women's Educational Programs.

Notice is hereby given, pursuant to Public Law 92-463, that the next meeting of the Executive Committee of the Advisory Council on Women's Educational Programs will be held in the Council offices at Suite 710, 1325 G Street, N.W., Washington, D.C. from 8:30 a.m. to 5:30 p.m. on October 21, 1975.

The Advisory Council on Women's Educational Programs is established pursuant to Public Law 93-380 Section 408 (f)(1). The Council is mandated to (a) advise the Commission with respect to general policy matters relating to the administration of the Women's Educational Equity Act of 1974; (b) advise and make recommendations to the Assistant Secretary concerning the improvement of educational equity for women; (c) make recommendations to the Commissioner with respect to the allocation of any funds pursuant to Section 408 of Public Law 93-380, including criteria developed to insure an appropriate geographical distribution of approved programs and projects throughout the Nation; and (d) develop criteria for the establishment of program priorities.

The meeting of the Executive Committee shall be open to the public. The agenda for the meeting will include a discussion of the Committee's structure and operating procedure.

Records shall be kept of all Council proceedings and shall be available to the public at the Council offices at Suite 710, 1325 G St., N.W., Washington, D.C.

Signed at Washington, D.C. on September 30, 1975.

KATHLEEN MAURER,
Administrative Officer.

[FR Doc.75-26540 Filed 10-2-75; 8:45 am]

NATIONAL ADVISORY COUNCIL FOR CAREER EDUCATION

Public Meeting

Notice is hereby given, pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that

the meeting of the National Advisory Council for Career Education will be held on October 21, 1975, from 9:00 a.m. to 4:00 p.m., at L'Enfant Plaza Hotel, 480 L'Enfant Plaza East, S.W., Degas Salon—2nd floor, Washington, D.C.

The National Advisory Council for Career Education is established under Section 406 of the Education Amendments of 1974, P.L. 93-380 (88 Stat. 552, 553). The Council is directed to:

Advise the Commissioner of Education on the implementation of Section 406 of the Education Amendments of 1974 and carry out such advisory functions as it deems appropriate, including reviewing the operation of this Section and all other programs of the Division of Education pertaining to the development and implementation of career education, evaluating their effectiveness in meeting the needs of career education throughout the United States, and in determining need for further legislative remedy in order that all citizens may benefit from the purposes of career education as described in Section 406. The Council with the assistance of the Commissioner shall conduct a survey and assessment of the current status of career education programs, projects, curricula and materials in the United States and submit to Congress, not later than November 1, 1975, a report on such survey. The report should include recommendations of the Council for new legislation designed to accomplish the policies and purposes set forth in subsections (a) and (b) of Section 406.

The meeting of the Council shall be open to the public.

The meeting is a continuation of the September 30, 1975 meeting. The proposed agenda:

Continuation of the report and discussion on the preliminary formulation of legislation for review by the Council.

Records shall be kept of all Council proceedings (and shall be available for public inspection at the Office of Career Education, located in Room 3100, 7th and D Streets, SW., Washington, D.C. 20202).

JOHN LINDIA,
Delegate to the National Advisory Council for Career Education.

[FR Doc.75-26541 Filed 10-2-75; 8:45 am]

Office of the Secretary

REVIEW PANEL ON NEW DRUG REGULATION

Meeting Cancellation

Notice is hereby given pursuant to Public Law 92-463, that the Review Panel on New Drug Regulation, established pursuant to 42 U.S.C. 217a, by the Secretary, Department of Health, Education, and Welfare, on February 21, 1975, will not meet on Monday, October 13, 1975, at 9:15 a.m. nor on Tuesday, October 14, 1975, at 8:30 a.m. in Room 5051 of the Department of Health, Education, and Welfare's North Building, 330 Independence Avenue SW., Washington, D.C. as announced in the FEDERAL REGISTER of

Wednesday, September 17, 1975. The Review Panel determined that it is not necessary to hold a meeting at this time.

Further information on the Review Panel may be obtained from Dr. Lionel M. Bernstein, Executive Secretary, Review Panel on New Drug Regulation, Room 4617, HEW North Building, 330 Independence Avenue SW., Washington, D.C. 20201, telephone (202) 245-7510.

LIONEL M. BERNSTEIN, M.D.,
Executive Secretary, Review Panel
on New Drug Regulation.

SEPTEMBER 26, 1975.

[FR Doc.75-26469 Filed 10-2-75; 8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration AIRPORT NOISE POLICY Public Hearings: Changes

On September 19, 1975, the Federal Aviation Administration published, at 40 FR 43266, a Notice of Public Hearings announcing a series of hearings on its Airport Noise Policy and inviting interested persons to participate. This notice announces certain changes concerning the public hearings scheduled in that notice for the month of October, 1975, in Boston, Massachusetts and Minneapolis, Minnesota.

The hearings originally scheduled in Boston, Massachusetts on October 20-21, 1975, and Minneapolis, Minnesota on October 24-25, 1975, will be conducted at the following times and locations instead of those specified in the Notice of Public Hearings.

Oct. 29-30, 1975—Minneapolis, Minnesota: Convening on Oct. 29 at 1:00 p.m. and 6:00 p.m., and on Oct. 30 at 9:00 a.m. at the Radisson Hotel Downtown, 45 South Seventh Street, Minneapolis, Minnesota.

Nov. 13-14, 1975—Boston, Massachusetts: Convening on Nov. 13 at 1:00 p.m. and 7:00 p.m., and Nov. 14 at 9:30 a.m. in the TSC Auditorium, Transportation Systems Center, 55 Broadway, Kendall Square, Cambridge, Massachusetts.

As stated in the Notice of Public Hearing, requests to be heard or to receive additional information should be made at the appropriate FAA Regional Office. For the hearings in Minneapolis write or call:

Public Affairs Officer, Great Lakes Region (AGL-5), Federal Aviation Administration, 2300 East Devon, Des Plaines, Illinois 60018; or Telephone (312) 694-4500 (ext. 427).

For the hearings in Boston, write or call:

Public Affairs Officer, Northeast Region (ANE-5), 12 New England Executive Park, Burlington, Massachusetts 01803; or Telephone (617) 273-7391.

(Sec. 313 of the Federal Aviation Act of 1958 (49 U.S.C. 1354) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c))

Issued in Washington, D.C. on September 29, 1975.

FREDERICK A. MEISTER,
Acting Associate Administrator
for Policy Development and
Review.

[FR Doc.75-26529 Filed 10-2-75; 8:45 am]

CIVIL AERONAUTICS BOARD

[Order 75-9-112; Docket 25659]

CLASS RATE VII; INVESTIGATION OF THE LOCAL SERVICE CLASS SUBSIDY RATE

Order Dismissing Petitions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 30th day of September, 1975.

By a petition filed on July 2, 1975, Texas International Airlines, Inc. (TXIA), requests the Board to institute an investigation into the reasonableness of the existing class subsidy mail rate¹ for local service carriers, and to establish a new class rate which will compensate the local service carriers for subsidy-eligible services on their route systems.

In support of its petition, TXIA asserts that Class Rate VII has already been in existence longer than any other class rate; that the class rate was based on operating statistics that included the activities of Allegheny Airlines, Inc. (Allegheny), which is no longer a member of the class;² that there have been substantial changes in the operations of the local service carriers since 1972, the Class Rate VII base year; and that as a result of these changes it is necessary that the Board investigate the adequacy of the present class rate. TXIA further states that the application of the present formula results in serious discrepancies in the distribution of subsidies among the carriers; and that, as far as it is concerned, substantive changes in its own operations have occurred since 1972, including the operations of the new Dallas/Ft. Worth Regional Airport, increased aircraft operating costs, inadequate fare increases, and increased competition by an intrastate carrier in its Texas markets.

Answers to the TXIA petition have been filed by Frontier Airlines, Inc. and Ozark Air Lines, Inc. Both of these carriers would prefer to extend the life of Class Rate VII and oppose a reopening at this time. In its answer, Frontier challenges many of TXIA's contention and indicates that TXIA is a relatively inefficient carrier with many of its troubles resulting from its own shortcomings.

¹ Class Rate VII was established by Orders 73-7-59, July 13, 1973; 73-10-1, October 1, 1973; 74-1-123, January 24, 1974; 74-12-120, December 30, 1974; and 75-3-22, March 7, 1975.

² By Orders 74-6-42, June 7, 1975, and 74-7-61, July 15, 1974, the Board terminated Allegheny's subsidy rate and placed the carrier on a subsidy-free service mail rate.

On July 10, 1975, the local service carriers currently under the class rate³ petitioned the Board to amend Class Rate VII to provide subsidy more commensurate with the current needs of the industry and of the individual local service carriers. The Locals emphasize in their petition that they are not seeking a new class rate but are merely requesting the Board to amend Class Rate VII by allowing a 50/50 sharing of deficiencies in eligible need without the present restriction limiting the carriers' share to the amount of profit offset from ineligible operations. In effect, the Locals request the removal of the current provision limiting the subsidy rate for individual carriers to each carrier's adjusted base ceiling.⁴

The Locals state that the present ceiling limitation is inequitable because it limits the increase in subsidy payments irrespective of the increase in subsidy-need requirements while there is no limitation on the reduction in subsidy resulting from improvements in eligible operations. The Locals request that the Board allow the ceiling to be pierced so that the 50/50 sharing principle can function freely when subsidy needs are increasing as well as when they are decreasing.

The carriers assert that their proposal is consistent with the principles of Class Rate VII and is justified by declining load factors and by higher wages and fuel costs which have caused total operating expenses to increase faster than increase in revenues. The Locals contend that the elimination of the ceiling on eligible need will preserve management incentives for efficient operations without placing an undue fiscal burden on the government. Based on data for the year ended March 31, 1975, removal of the ceiling on eligible need will increase the total annual subsidy bill by about \$4.7 million. All of this increase would go to four carriers, Ozark, Piedmont, Southern and Texas International. These four carriers have experienced substantial increases in eligible need which have not been offset by profits from ineligible operations.

The Board believes that both the TXIA petition for an investigation of the class rate and the subsequent joint petition of the local service carriers for an amendment to Class Rate VII (to which TXIA was a party), fail to make

³ Frontier Airlines, Inc.; Hughes Air Corp. d/b/a Hughes Airwest; North Central Airlines, Inc.; Ozark Air Lines, Inc.; Piedmont Aviation, Inc.; Southern Airways, Inc.; and Texas International Airlines, Inc.

⁴ By Orders 74-12-120, and 75-3-22, the Board amended Class Rate VII, effective January 1, 1975, to provide for downward and upward adjustments in the subsidy level for eligible services based upon the review and updating of the carriers' need on a recurrent semiannual basis. Upward adjustments in the subsidy level for eligible services have been limited to the carriers' adjusted base ceiling for eligible operations set forth in Order 74-1-123, as amended.

convincing arguments that the class rate should be changed at this time.

Payments under Class Rate VII have in general allowed the local carriers to achieve good rates of return. For the year ended March 31, 1974, the Locals presently under the class rate earned rates of return (after subsidy, taxes and ratemaking adjustments) ranging from 25.6 percent to 6.3 percent for an average of 11.9 percent. Moreover, TXIA had an adjusted return of 12.9 percent during this period.

For the year ended September 30, 1974, the after-subsidy adjusted rates of return after taxes ranged from 23.7 percent to 11.9 percent and averaged 15.4 percent. TXIA's adjusted return during this period was 16.7 percent.

The local service carriers experienced substantially poorer results during the most recent review period, the year ended March 31, 1975. Nevertheless, the Locals experienced an average adjusted return on investment after subsidy and taxes of 10.3 percent during this period and with the exception of TXIA, which was on strike for four months, had positive adjusted rates of return after subsidy and taxes ranging from 15.5 percent to 8.7 percent.

As these returns indicate, Class Rate VII has on the whole provided the local service carrier not only the opportunity for profits but the actual achievement of healthy profits. However, in spite of this recent history of good results under Class Rate VII, the Locals would have us amend the class rate further to "provide subsidy more commensurate with the current needs."

When the Board amended Class Rate VII effective January 1, 1975,* to provide for the sharing of eligible improvements and deficiencies, it did so with the realization, that the exceptionally good results experienced during the third review period, the year ended September 30, 1974, would most likely not be repeated. Thus, the sharing of eligible deficiencies was designed to extend the life of Class Rate VII by adjusting the subsidy rate to reflect the anticipated downturn in carrier profitability. The ceiling provision was deliberately included to insure that this amendment would not seriously erode the incentives for carrier efficiency inherent in the class-rate concept.

The deterioration of local service carrier operating results which materialized during late 1974 and early 1975 was reflected in the fourth review period covering the year ended March 31, 1975. Application in the fourth review period of the provision for sharing the deficiencies in eligible need as compared to base-period eligible need, coupled with declining profit offset from ineligible services, resulted in a subsidy rate \$8.9 million*

greater than the rate established in the third review. Thus, Class Rate VII as presently constituted has provided for a substantial increase in the expenditure of government funds to support the services provided by the Locals to small communities. The Board is not persuaded that a further change in Class Rate VII at this time would be appropriate or in the public interest. Any further tinkering with the mechanisms of Class Rate VII would only serve to further erode the incentives for carriers to operate efficiently under the rate.

Although there is no question that the local service carriers have recently experienced earnings declines, this is hardly surprising considering the severity of the present recession. The provisions of the class rate, however, including the subsidy ceiling, are intended to operate in both good times and bad. Certainly, under the class-rate system, there is no guaranty that subsidy payments will at all times match the current needs of each carrier within the class. On the contrary, all that is intended is that over time the class-rate system provide efficient carriers a reasonable opportunity to achieve adequate returns on investment. As can be seen above, Class Rate VII has to date proved satisfactory in this regard, and we are not persuaded on the basis of the local service carriers' petition that this opportunity will no longer exist within the existing terms of the class rate.

The situation of TXIA is clouded somewhat by the fact that the carrier was on strike for four months and will suffer the usual readjustment problems associated with strike recovery. While TXIA points to special problems related to intrastate competition and high airport costs, all carriers are subject to analogous circumstances. On the other hand, TXIA has had and continues to have a major advantage over the other carriers in the class. TXIA experienced by far the lowest unit fuel costs during the fourth review period and, in spite of the expiration of an extremely favorable fuel contract at the end of 1974, TXIA's unit fuel costs remain among the lowest of the class-rate carriers. Furthermore, with the exception of the fourth review period, during which the strike occurred, TXIA has experienced returns on investment that compare favorably with other carriers in the class.

It is true that the carriers' costs have increased since Class Rate VII was established but the Locals have been the beneficiaries of several fare increases since then which were designed to offset cost increases. These fare increases were based on the cost experience of trunk carriers alone. Since compared to the trunks, the Locals have experienced a smaller increase in the cost of fuel and since fuel costs for the Locals make up a smaller portion of total costs, these industrywide fare increases have had a disproportionately favorable impact for the Locals. Furthermore, the restructuring of fares in Phases 4 and 9 of the DPFI was designed to increase yields for short-haul services which will favorably affect the financial results of the Locals

in the future. The restructured fares did not become effective until April 29, 1975 and were, therefore, not reflected in the most recent review of local service operations under Class Rate VII. Until the full impact of the fare restructuring becomes clear, the Board is reluctant to reopen or otherwise alter the current class rate.

While the Board is of the opinion that Class Rate VII should continue for the time being in its present form, we recognize that there is a need to thoroughly reexamine the rate in the near future. The basic design of the present class rate dates back to Class Rate V which was instituted in 1970. Since that time, the local service industry has undergone substantial change; the carriers have progressively moved toward the use of larger jet equipment and the growth and profitability of services in subsidy-ineligible markets as well as high-density eligible markets, coupled with numerous suspensions and deletions of weak and unprofitable points, have altered the basic operating characteristics. In light of these changes, we believe that an entirely new class-rate mechanism may be needed to place greater emphasis on subsidy support of inherently uneconomic services to small communities.

Based on the foregoing, we find that it is not appropriate to alter Class Rate VII as requested by the seven Locals. Nor will we reopen Class Rate VII at this time, as TXIA requests. Thus, we conclude that the petition of TXIA and the joint petition of the Locals should be dismissed.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204(a) and 406 thereof, and the Board's Procedural Regulations, 14 CFR, Part 302,

IT IS ORDERED THAT:

1. The petition of Texas International Airlines, Inc., in Docket 25659 for an investigation of the class subsidy mail rate for local service carriers be, and it hereby is dismissed;

2. The joint petition of Frontier Airlines, Inc., Hughes Air Corporation d/b/a Hughes Airwest, North Central Airlines, Inc., Ozark Air Lines, Inc., Piedmont Aviation, Inc., Southern Airways, Inc., and Texas International Airlines, Inc., for an amendment of Class Rate VII be, and it hereby is dismissed; and

3. This order shall be served upon all parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc. 75-26544 Filed 10-2-75; 8:45 am]

[Order 75-9-106; Docket 27785; Agreement C.A.B. 25351]

JAPAN-UNITED STATES PASSENGER FARES; INTERCARRIER AGREEMENT

Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 29th day of September, 1975.

* Orders 74-12-120, December 30, 1974, and 75-3-22, March 7, 1975.

* Order 75-7-64, July 14, 1975, established the subsidy rate for the six-month period beginning July 1, 1975. This order was subsequently corrected by Order 75-8-41, August 8, 1975 to adjust for errors in the subsidy-rate computation for Hughes Airwest and Southern. This correction increased the industry subsidy by \$0.6 million.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between Japan Air Lines Company, Ltd. (JAL), Northwest Airlines, Inc. (Northwest) and Pan American World Airways, Inc. (Pan American). The agreement was adopted during intercarrier discussions held in Tokyo on June 19-21, 1975 and authorized by the Board in Order 75-6-58, June 12, 1975.

The agreement, to be effective October 1, 1975, would replace the present non-IATA group-100 Contract Bulk Inclusive Tour (CBIT) fares¹ and IATA group-30/40 CBIT fares, both available only to Japanese traffic, with a new Group Inclusive Tour (GIT) fare for 30/40 persons.² The new GIT fares are likewise available only outbound from Japan and are specified in Japanese yen at levels generally higher than the non-IATA CBIT fares which have been the recently prevailing fares, although lower (except in the peak season) than the corresponding IATA CBIT fares. No stopovers would be permitted on travel to Alaska and Hawaii, and a total of two would be permitted at a charge of 10,000 yen (\$33.78) per stopover on travel to the continental United States.³

Trans International Airlines, Inc. (TIA) has filed comments requesting that the Board defer action on the agreement and either issue a separate order of investigation or consolidate the agreement into the currently pending investigation of Pacific excursion fares in Docket 27701.

The thrust of TIA's comments is directed toward the existing restrictive charter policy of the Japanese Government, the anticipated attitude of that government toward one-stop inclusive tour charters, and the underlying reason which led the Japanese authorities to request that the carriers enter into discussions. TIA contends that approval of the agreement will encourage the Japanese Government's discriminatory treatment of U.S. supplemental carrier charter operations and that, while the fares are generally higher than those they would replace, no specific supporting data has been filed by the carrier parties to the agreement. Finally, TIA alleges that the Board should not create a precedent by allowing scheduled carriers to agree on discount fares and seek their approval without the scrutiny applied to IATA agreements or individual carrier tariff filings.

Both Northwest Airlines, Inc. (Northwest) and Pan American World Airways, Inc. (Pan American) have filed reply comments in opposition. Northwest contends that TIA has raised no facts of significance which it could not previously raise or which would warrant Board disapproval and that the carrier is attempting to use this particular agreement as a

vehicle in its efforts to secure more advantageous charter agreements with the Government of Japan. It contends such efforts should more properly be the subject of bilateral intergovernmental discussions, a contention which is concurred in by Pan American.

Upon consideration of the circumstances which prompted the carriers' request for discussions, the agreement, objections and responsive comments, the Board has decided to approve the agreement. The situation which led to intercarrier discussions and ensuing agreement stemmed from a desire on the part of the Japanese Government that the carriers agree among themselves on bulk travel fares prior to approval of tariffs filed in that country. This requirement appears to be satisfied by the agreement before us. Moreover, since the fares will by their terms be available only for travel originating in Japan, the U.S. traveling public will not be materially affected. From the standpoint of U.S.-flag service, they should provide some needed additional revenue since their level is generally somewhat higher than that of the presently prevailing fares. As for TIA's complaint, we tend to agree that it is attempting to use this forum to secure benefits more properly sought by intergovernmental negotiation, and that its arguments are not germane to disposition of the specific agreement before us here.

The Board, acting pursuant to the Federal Aviation Act of 1958 and particularly sections 102, 204(a) and 412 thereof, does not find Agreement C.A.B. 25351 to be adverse to the public interest or in violation of the Act.

Accordingly, IT IS ORDERED THAT:

1. Agreement C.A.B. 25351 be and hereby is approved; and
2. The request of Trans International Airlines, Inc., for deferral of action on this agreement is denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc. 75-26543 Filed 10-2-75; 8:45 am]

[Docket 27432]

SPANTAX, S.A.

Foreign Charter Permit Amendment and Renewal (Spain-U.S.); Notice of Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding, which was assigned to be held on October 20, 1975 (40 FR 41832, September 9, 1975), is postponed to October 21, 1975, at 10:00 a.m. (local time), and will be held in Room 503, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C.

Dated at Washington, D.C., September 29, 1975.

[SEAL] RICHARD M. HARTSOCK,
Administrative Law Judge.

[FR Doc. 75-26542 Filed 10-2-75; 8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Title Change in Noncareer Executive Assignment

By notice of August 11, 1971, FR Doc. 71-11516, the Civil Service Commission authorized the Department of Health, Education, and Welfare to fill by non-career executive assignment the position of Deputy Assistant Secretary for Health Planning and Analysis, Office of the Secretary. This is notice that the title of this position is now being changed to Deputy Assistant Secretary for Planning and Evaluation/Health, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[FR Doc. 75-26489 Filed 10-2-75; 8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Deputy Director, Urban Program Coordination, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[FR Doc. 75-26482 Filed 10-2-75; 8:45 am]

DEPARTMENT OF THE INTERIOR

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Assistant Commissioner—Resource Planning, Office of the Commissioner, Bureau of Reclamation.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[FR Doc. 75-26483 Filed 10-2-75; 8:45 am]

DEPARTMENT OF THE INTERIOR

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Interior to fill by noncareer executive assignment in the

¹ This fare was filed unilaterally in March 1975 by Pan American and matched by Northwest and various foreign carriers serving the Japan-U.S. market.

² Groups of 40 to Hawaii, and 30 to Alaska and the continental United States.

³ Converted at the IATA Resolution 021b rate of 296 yen = \$1.00.

excepted service the position of Assistant Commissioner—Resource Management, Office of the Commissioner, Bureau of Reclamation.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] **JAMES C. SPRY,**
*Executive Assistant to
ICE COMMISSION.*

[FR Doc.75-26484 Filed 10-2-75;8:45 am]

DEPARTMENT OF JUSTICE

**Revocation of Authority To Make
Noncareer Executive Assignment**

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Justice to fill by non-career executive assignment in the excepted service the positions of Chief, Chicago Field Office; Chief, Judgments and Judgment Enforcement Section; Chief, Special Litigation Section; Chief, Special Trial Section; Chief, Public Counsel and Legislative Section; Chief, Evaluation Section, Office of Director of Policy Planning; and Chief, Appellate Section; Anti-trust Division.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] **JAMES C. SPRY,**
*Executive Assistant to
the Commissioners.*

[FR Doc.75-26485 Filed 10-2-75;8:45 am]

DEPARTMENT OF JUSTICE

**Revocation of Authority To Make
Noncareer Executive Assignment**

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Justice to fill by non-career executive assignment in the excepted service the position of Associate Commissioner for Examinations, Office of Associate Commissioner, Examinations, Immigration and Naturalization Service.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] **JAMES C. SPRY,**
*Executive Assistant to
the Commissioners.*

[FR Doc.75-26486 Filed 10-2-75;8:45 am]

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION**

**Grant of Authority To Make Noncareer
Executive Assignment**

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Equal Employment Opportunity Commission to fill by non-career executive assignment in the excepted service the position of Executive Assistant to the Chairman.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] **JAMES C. SPRY,**
*Executive Assistant to
the Commissioners.*

[FR Doc.75-26487 Filed 10-2-75;8:45 am]

**FEDERAL ENERGY ADMINISTRATION
Grant of Authority To Make Noncareer
Executive Assignment**

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Federal Energy Administration to fill by non-career executive assignment in the excepted service the position of Deputy Assistant Administrator for Policy, Assistant Administrator for Policy and Analysis.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] **JAMES C. SPRY,**
*Executive Assistant to
the Commissioners.*

[FR Doc.75-26488 Filed 10-2-75;8:45 am]

**COMMITTEE FOR PURCHASE FROM
THE BLIND AND OTHER SE-
VERELY HANDICAPPED**

PROCUREMENT LIST 1975

Notice of Proposed Addition

Notice is hereby given pursuant to Section 2(a) (2) of Public Law 92-28; 85 Stat. 79, of the proposed addition of the following commodity to Procurement List 1975, November 12, 1974 (39 FR 39964).

Class 3990

Pallet, Wood
3990-00-366-6806

Comments and views regarding this proposed addition may be filed with the Committee not later than 30 days after the date of this FEDERAL REGISTER. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

This notice is automatically cancelled April 3, 1975.

By the Committee.

E. R. ALLEY, Jr.,
Acting Executive Director.

[FR Doc.75-26527 Filed 10-2-75;8:45 am]

PROCUREMENT LIST 1975

Addition to Procurement List

Notice of proposed addition to Procurement List 1975, November 12, 1974 (39 FR 39964) was published in the FEDERAL REGISTER on July 25, 1975 (40 FR 31255).

Pursuant to the above notice the following commodities are added to the Procurement List:

Class 8115

Box, Wood (RF) :	Price (each)
8115-00-935-6526	29.03
8115-00-935-6527	24.69
8115-00-935-6532	24.18

By the Committee.

E. R. ALLEY, Jr.,
Acting Executive Director.

[FR Doc.75-26528 Filed 10-2-75;8:45 am]

**COUNCIL ON WAGE AND PRICE
STABILITY**

STEEL PRICE STUDY

Notice of Public Comment and Symposium

This notice invites interested members of the public to submit written comments concerning *A Study of Steel Prices*, a study prepared by the staff of the Council on Wage and Price Stability.

This report, released to the public in September 1975, examines several aspects of past, present and anticipated future pricing behavior in the domestic steel industry. The study analyzes steel industry pricing behavior from 1900 through 1975; trends in profit levels and rates of return in the industry; the adequacy of the existing steel price data base; and future prospects for demand, supply, capacity and prices, including analysis of the industry's capital formation requirements in view of capacity expansion needs, environmental regulation costs and current price, profit and rate of return levels. Individual copies of the study are available from the Office of Public Affairs and Congressional Relations.

Inquiries should be addressed to:

Council on Wage and Price Stability, Office of Public Affairs and Congressional Relations, 726 Jackson Place, N.W., Washington, D.C. 20506. Phone: 456-6757.

The Council is particularly interested in receiving comments on the estimates of capital formation requirements set forth in Chapter 4, but comment on other aspects of the study is invited as well. Comments should be submitted in writing no later than thirty days from the date of this notice, and should be addressed as follows:

Council on Wage and Price Stability, Office of Wage and Price Monitoring, 726 Jackson Place, N.W., Washington, D.C. 20506.
Subject: Steel Study Review.

Following receipt of these comments, prominent experts from the industrial, financial and academic communities as well as Government agencies will be invited to a public symposium to review and discuss the comments submitted and to point out areas of agreement and disagreement. This symposium will be held within 30 days from the date set for receipt of comments. The time and place of this symposium will be announced in a subsequent FEDERAL REGISTER notice.

MICHAEL H. MOSKOW,
Director.

SEPTEMBER 30, 1975.

[FR Doc.75-26532 Filed 10-2-75;8:45 am]

**COUNCIL ON ENVIRONMENTAL
QUALITY**

**ENVIRONMENTAL IMPACT
STATEMENT**

Availability

Environmental impact statements received by the Council on Environmental Quality from September 22, through September 26, 1975. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the

minimum period for public review and comment on draft environmental impact statements is forty-five (45) days from this *Federal Register* notice of availability (November 17, 1975). The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Dr. Fowden G. Maxwell, Coordinator of Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 359-A, Washington, D.C. 20250, (202) 447-3965

FOREST SERVICE

Draft

Herbicide Use, Pacific NW Region: Oregon, Washington, California; September 22: The action covered by the statement involves the use of the following herbicides: 2,4-D, 2,4,5-T, silvex, atrazine, dicamba, dalapon, amitrone, picloram, monosodium methanearsenate, and cacodylic acid on National Forest lands of Oregon, Washington, and California. The herbicide program will result in the death or subordinate position of target species so that more desirable species can increase. Herbicides will be used to maintain rights-of-way for power transmission lines, railroads and highways, and to control poisonous plants. (ELR Order No. 51416.)

East Deer Creek Unit, Colville, N.F., Washington County; Ferry, September 22: The proposed action consists of a more intensive land use plan for management of a heavily timbered 12,410 acre planning unit that supplies domestic water for the town of Orient. The natural condition of the 7,200 acre roadless area and the opportunity for solitude in the Unit will decrease significantly as the proposed road network and timber management program is implemented. Water quality will be maintained in lower East Deer Creek at the present condition, but additional environmental constraints, more costly, sophisticated yarding methods and reduced road access will increase the cost of timber management and will reduce the annual harvest for the short term. (ELR Order No. 51421.)

Final

Rainy Day Planning Unit, Nezperce N.F., Idaho County; Idaho, September 22: The statement concerns a multiple use plan for the 45,300-acre Rainy Day Planning Unit of Nezperce National Forest. The most likely alternative includes plans for protection of the Ten-Mile Watershed, limited mining, and timber harvesting. Comments made by: DOI, EPA, State agencies, and concerned citizens. (ELR Order No. 51407.)

Lyndon B. Johnson Nat'l Grasslands, Unit Plan, Texas County; Wise, Montague, September 25: The statement concerns the proposed 10-year management for the Lyndon B. Johnson Unit (the name change from Cross Timbers to LBJ effectively June 1, 1975). The unit contains 20,332 acres of federally-owned lands. Adverse effects from the plan will be from road, trail, and recreation area construction, brush control, gully and streambank stabilization work, and littering and soil compaction from increased recreation use. Comments made by: USDA, EPA, COE, State and local agencies. (ELR Order No. 51439.)

Caddo National Grasslands Unit Plan, Texas County; Fannin, September 25: The statement concerns the proposed 10-year

management for the Caddo Unit of the Caddo-Lyndon B. Johnson National Grasslands, now called Caddo National Grasslands. The unit contains 17,729 acres of federally-owned lands. The major environmental impacts will be on water quality, range, wildlife, and soils due to recreation use at developed sites and the areas of concentrated public use. Adverse visual effects will also occur from fence construction and gully and stream stabilization work. Comments made by: EPA, USDA, DOI, State and local agencies. (ELR Order No. 51440.)

SOIL CONSERVATION SERVICE

Draft

Lost River Watershed (2), Indiana County; several, September 23: Proposed is a project for watershed protection, flood prevention, municipal and industrial water supply, and recreation in Dubois, Lawrence, Martin, Orange, and Washington Counties. The project will eliminate agricultural use of 997 acres in dams, spillways, permanent pools, and recreation facilities, but will allow 384 acres of pasture and 175 acres of woodland to be converted to cropland through reduction of flood damages. Approximately 18.5 miles of perennial and intermittent feeder streams will be inundated. (ELR Order No. 51432.)

Final

Pine Run Watershed Project, Pennsylvania County; Montgomery, September 25: The statement refers to a project for watershed protection and flood prevention in Montgomery County, Pennsylvania. The dams, spillways, and permanent pools will commit 35 acres of land and approximately five acres of woodlands and nine acres of open land will be disturbed by borrow pits. Comments made by: COE, DOI, DOT, EPA, State and local agencies. (ELR Order No. 51436.)

DEPARTMENT OF DEFENSE

ARMY

Contact: Mr. George A. Cunneen, Jr., Acting Chief, Environmental Office, Directorate of Installations, Office of the Deputy Chief of Staff for Logistics, Washington, D.C. 20310, (202) OX 4-4269.

Draft

Pt. Belvoir Housing Project, Virginia County; Fairfax, September 22: The action considered is the change of use of approximately 800 acres of land of Fort Belvoir from troop support and training to military family housing. The project would provide 2,300 additional housing units. The action will result in the partial or complete destruction of 426 acres of land used as wildlife habitat and the consequent reduction of fauna in the area. The roadway networks, both on and off the post will become more congested. (ELR Order No. 51429.)

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attn: DAEN-PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, (202) 693-6861.

Draft

Theodore Ship Channel, Mobile Bay, Alabama, September 25: Proposed is the construction of 7.1 miles of channel from Mobile Bay to the Theodore Industrial Park. Dredged material would be deposited to form an island in the bay located north of the proposed diagonal channel. The major adverse environmental effects would include loss of bottom-dwelling organisms, temporarily increased turbidity, salinity intrusion, loss of physical habitat and aquatic

vegetation adjacent to the inland channel, minor and localized modification of circulation patterns in the bay, degradation of the local esthetics, and displacement of people. (Mobile District.) (ELR Order No. 51438.)

Upper Susitna R., Hydroelectric Development, Alaska, September 23: The recommended plan is to construct dams on the upper Susitna River at Watana and Devil Canyon, powerplants, electric transmission facilities to the Railbelt load centers, access roads, and permanent operating and recreation facilities. The two-dam system would inundate some 50,500 acres extending 84 miles upstream from Devil Canyon Dam forcing foreclosure of future mineral extraction from inundated land, and inundation of one historical site. Moose habitat will be disturbed and there will be social impacts resulting from the seasonal nature of the construction work and demands made upon small community services. (Anchorage District.) (ELR Order No. 51430.)

Santa Ana R. Main Stem & Santiago Creek, California County; Orange, Riverside, San Bernardino, September 22: The project includes the construction of a new reservoir upstream of Prado Dam; modification and expansion of the existing Prado Reservoir; improvement of the existing Santa Ana River channel; improvement of the lower Santiago Creek Channel; development of water conservation, recreational and wildlife enhancement facilities in and along the above; acquisition and protection of natural amenities in Santa Ana Canyon; and acquisition and preservation of a 92 acre salt marsh area. The project will displace at least 148 homes and a significant portion of the dairy industry in the Prado Reservoir area. The Santa Ana River wash and 8 acres of salt marsh will be lost. (Los Angeles.) (ELR Order No. 51427.)

Mississippi R., Baton Rouge to Gulf of Mexico (S), Louisiana, September 25: The statement supplements the final EIS filed with CEQ 8 July 1974. The statement includes omissions from the final EIS and anticipated changes in dredging regulations that have occurred since the final was filed. The prolonged and recurrent high flows of the Mississippi have also required reconsideration of maintenance needs in certain areas. (Mobile District.) (ELR Order No. 51433.)

Atlantic Intracoastal Waterway, S.C. South Carolina, September 22: Proposed is the maintenance of a channel 12 feet deep and not less than 90 feet wide in the Atlantic Intracoastal Waterway from Little River to and including Port Royal Sound, a total distance of 210 miles. The project will result in the increase in turbidity and siltation in the vicinity of the dredge, disturbance of disposal areas, the destruction of some benthic organisms by the cutterhead, and an increase in the local mosquito population. (Charleston District.) (ELR Order No. 51418.)

Final

Big Creek and Metro Zoo Flood Protection, Ohio County; Cuyahoga, September 26: The statement refers to the construction of channel works on 4,600' of the Creek, as well as 800' of levee. The purpose of the action is the reduction of flood potential at the Cleveland Zoological Park. The constructed works will produce an aesthetically unpleasant channel. (Buffalo District.) Comments made by: USDA, HEW, DOI, DOT, EPA, State and local agencies. (ELR Order No. 51444.)

Cuyahoga River Sediment Removal, Ohio County; Cuyahoga, September 26: The project involves the construction of two canoe launching ramps and docking facilities at two park sites on the river, and the opening of a five mile canoe trail. Increased congestion and an increase in litter are expected as results of the action. Approximately 1.4 acres

of terrestrial habitat will be utilized for the construction of a spoil disposal site. (Buffalo District.) Comments made by: — (ELR Order No. 51447.)

Columbia and Lower Willamette River, Maintenance, Oregon, Washington, September 25: The statement refers to the maintenance dredging to 40 ft. deep of the Columbia River navigation channel from 2 miles seaward of its mouth to Columbia River mile 106.5 and Willamette River from mouth to Broadway Bridge to provide the depth required for deep-draft vessels. Included is maintenance of designated side channel projects, pile dikes and training dikes and initial rock removal projects. Adverse impacts include: disruption and removal of river bottom habitat and organisms; resuspension of bottom materials; temporary increases in turbidity; smothering of aquatic and terrestrial habitat and organisms during disposal. (Portland District.) Comments made by: EPA, DOI, DOC, HUD, USDA, FPC, USCG, AHP, State and regional agencies. (ELR Order No. 51441.)

Big Pine Lake, Red River Co., Texas County: Red River, September 22: The statement refers to the initial construction of Big Pine Lake on Big Pine Creek. The project is located 1 mile southeast of Kanawha. Action consists of construction of a lake project which consists of access roads, project buildings, earthen dam, gated concrete outlet works, uncontrolled spillway, downstream channel improvement, and public use facilities. Adverse impacts include the permanent inundation of 4,699 acres of land, minor losses of stream fishery in the reservoir area, and the losses of deer and upland game habitat. (Tulsa District.) Comments made by: EPA, DOI, DOT, USDA, FPC, HEW, State agencies, one environmental group. (ELR Order No. 51424.)

Lake Brownwood Modification, Texas, September 22: The statement refers to the construction of a new embankment for Lake Brownwood and stabilization of the existing spillway to preserve present values of the lake for flood control, water supply, recreation, and other related purposes. Adverse impacts include the elimination of 1,000 feet of stream and natural cover, loss of 83 acres of land, and approximately 1 mile of county road and 3,500 feet of power and telephone lines will be required to replace the 2,000 feet of existing lines. (Fort Worth District.) Comments made by: EPA, USDA, COE, HEW, HUD, DOI, DOT, AHP, FPC, State and regional agencies. (ELR Order No. 51425.)

Clear Creek and Clear Lake, Texas County: Chambers, Galveston, Harris, September 23: The statement refers to the maintenance dredging of Clear Creek and Clear Lake, Texas. Maintenance dredging will be performed by hydraulic pipeline dredge with dredged materials disposed of in open water disposal areas. Adverse impacts are increased turbidity, loss of marine life habitat, and objectionable odors due to the deposition of dredged materials. (Galveston District.) Comments made by: EPA, DOI, DOC, AHP, HUD, HEW, DOT, State and local agencies. (ELR Order No. 51434.)

Aubrey Lake, Supplement, Texas County: Cooke, September 25: The statement is a final supplement to a final EIS filed with CEQ March 4, 1974. The proposed action is the construction of Aubrey Lake for water supply, recreation, fish and wildlife. The project will require acquisition of approximately 42,000 acres and will inundate 90 miles of stream. Historical sites and archeological sites will be adversely affected, and families will be displaced. (Fort Worth District.) Comments made by: USDA, COE, DOI, EPA, AHP, State agencies and private groups. (ELR Order No. 51442.)

Everett Harbor and Snohomish River Navigation, Washington County: Snohomish, September 25: The statement refers to the maintenance of a 15 foot deep navigation channel from Puget Sound one mile up the Snohomish River and an upper channel 8 feet deep and 4½ miles long, two settling basins, and a deep draft harbor. Project maintenance over the next 25- to 30-year period will cause conversion of 400 acres of lowlands, tidelands, and deltas to upland by filling with dredged spoil. Waterfowl habitat will be reduced. (Walla Walla District.) Comments made by: EPA, HUD, DOC, DOI, State and local agencies. (ELR Order No. 51437.)

Georgia, Brunswick Harbor Maintenance Dredging, September 16: The statement concerns the maintenance of Brunswick Harbor navigation channels and the entrance and turning basin of the East River Channel by dredging shoaled sediments. Adverse impacts include the destruction of benthic habitats by covering with dredge, and temporary increase in suspended solids and turbidity. (Savannah District.) Comments made by: EPA, DOC, DOI, State agencies. (ELR Order No. 51394.)

Ohio County: Ashtabula, Conneaut Harbor, O & M: The statement concerns the dredging of approximately 100,000 cubic yards of sediment annually, which will be deposited in a designated area of Lake Erie. Polluted dredged material removed during the routine maintenance of Conneaut Harbor will be deposited in the authorized open-lake dump zone until the proposed diked disposal facility at Ashtabula is operational. The dredging will resuspend toxic materials and disturb fish populations. (Buffalo District.) Comments made by: DOC, EPA, DOI, HEW, DOT, State agencies. (ELR Order No. 51369.)

South Carolina County: Johnson, South Fork of Blackwater R. Watershed, September 16: The recommended plan of improvement consists of land treatment measures, seven floodwater retarding structures, one multiple-purpose structure for flood prevention, municipal and industrial water supply, and recreational development, and one grade stabilization structure. The project will reduce flood damage on 12,311 acres. Installation of the project will change the land use of areas needed for structural measures; project installation will cause relocation of six farming operations. Comments made by: COE, HEW, DOI, DOT, EPA, State agencies. (ELR Order No. 51398.)

NAVY

Contact: Mr. Peter M. McDavitt, Special Assistant to the Assistant Secretary of the Navy (Installations and Logistics), Washington, D.C. 20350, (202) 692-3227.

Final

Naval Personnel Admin. Complex, Belle Chasse, Louisiana County: Plaquemine, September 23: The project provides for the construction of a Naval Personnel Complex to house the major functions of the Bureau of Naval Personnel. The plan includes space for 2,050 civilian and military employees and 300 housing units. Adverse impacts include increased demand on city services such as schools and sewer systems, increased traffic in the area, and construction disruption. (2 volumes.) Comments made by: HEW, USDA, DOT, EPA, DOI, State and local agencies. (ELR Order No. 51431.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Sheldon Meyers, Director, Office of Federal Activities, Room 3630 Water-side Mall, Washington, D.C. 20460, (202) 755-0940.

Draft

Chambers Creek Sewerage System, Washington County: Pierce, September 25: The action considered is the awarding of grant funds to Pierce County for the construction of a sanitary sewer system to service the Clover Creek Basin Sewerage General Plan. Stage II will include additional communities. The construction of the main interceptor line down the Chambers Creek Canyon could constitute a major and potentially detrimental impact on the stability of that watercourse. There is also a potential for lowering the groundwater table due to the elimination of septic tank effluent as a source of recharge. (ELR Order No. 51444.)

FEDERAL POWER COMMISSION

Contact: Dr. Richard F. Hill, Acting Advisor on Environmental Quality, 441 G Street NW., Washington, D.C. 20426, (202) 386-6084.

Draft

Texas Gas Transmission Corp., Curtailment, September 22: The action consists of FPC's analysis of two permanent curtailment plans for the Texas Gas Transmission Corporation. Environmental impacts resulting from curtailment are the increased use of coal and oil to replace the curtailed natural gas and the associated cost increases, and increased pollution in the form of sulfur dioxide and particulates. Rate structure and deregulation are not included as alternatives to curtailment. (ELR Order No. 51408.)

Texas Eastern Transmission Corp., Curtailment, September 22: The action consists of FPC's analysis of two permanent curtailment plans for the Texas Eastern Transmission Corporation. Environmental impacts resulting from curtailment are the increased use of coal and oil to replace the curtailed natural gas and the associated cost increases and increased pollution in the form of sulfur dioxide and particulates. Rate structure and deregulation are not included as alternatives to curtailment. (ELR Order No. 51410.)

Trunkline Gas Co. Curtailment, September 22: The action consists of FPC's analysis of three permanent curtailment plans for the Trunkline Gas Company. Environmental impacts resulting from curtailment are the increased use of coal and oil to replace the curtailed natural gas and the associated cost increases, and increased pollution in the form of sulfur dioxide and particulates. Rate structure and deregulation are not included as alternatives to curtailment. (ELR Order No. 51411.)

Arkansas Louisiana Gas Co., Curtailment, September 22: The action consists of FPC's analysis of one permanent curtailment plan for the Arkansas Louisiana Gas Company. Environmental impacts resulting from curtailment are the increased use of coal and oil to replace the curtailed gas and the associated cost increases, and increased pollution in the form of sulfur dioxide and particulates. Rate structure and deregulation are not included as alternatives to curtailment. (ELR Order No. 51412.)

United Gas Pipeline Co., Curtailment, September 22: The action consists of FPC's analysis of two permanent curtailment plans for the United Gas Pipeline system. Environmental impacts resulting from curtailment are the increased use of coal and oil to replace the curtailed natural gas and the associated cost increases, and increased pollution in the form of sulfur dioxide and particulates. Rate structure and deregulation are not included as alternatives to curtailment. (ELR Order No. 51413.)

Final

American Fork Creek Project No. 696, Utah, September 22: Proposed is the relicensing

of Utah Power and Light Co.'s American Creek Project, No. 696. The project includes a concrete overflow type diversion dam with flash boards, one 950 kW generating station, transmission lines, and related works. The project has a visual impact upon the Timpanogos Cave National Monument. Comments made by: AHP, COE, USDA, HEW, DOI, DOT, State agencies and the applicant. (ELR Order No. 51414.)

Bath County Project, Virginia. Virginia County: Bath, September 22: The statement concerns consideration of an application for a license to construct and operate a pumped storage project in Bath County, Virginia. Issuance of a license would provide for establishment of two reservoirs, inundating about 950 acres, two transmission lines with a total length of 85 to 89 miles, and a powerhouse reaching the 350,000 kw rating for each of six units. The project would eliminate 3.3 miles of a free-flowing section of Back Creek and 1.5 miles of a free-flowing section of Little Back Creek. Comments made by: DOI, COE, HEW, EPA, DOT, USDA, State and local agencies and individuals. (ELR Order No. 51415.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Brown, Director, Office of Environmental Quality, Room 7258, 451 7th Street SW., Washington, D.C. 20410, (202) 755-6303.

SECTION 104 (H)

Draft

Vallejo Waterfront Redevelopment, California County: Solano, September 22: The statement concerns a plan to acquire, rezone, and develop two vacant parcels of land located adjacent to and north of Mare Island Shipyard. The 83 acre site will be used for a light industrial park of general land use specificity. Although no specific uses for the park are currently formulated, the project is expected to generate traffic and related pollution in the area. (ELR Order No. 51420.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240.

Final

Grand Teton National Park Master Plan, Wyoming, September 25: The proposed master plan for the Grand Teton National Park will attempt to increase public enjoyment of park experiences with reduced impact on park resources. Some adverse effects are the reduction in the immediate local economy, high costs for pollution abatement and facility obliteration, and shifting of recreational uses to areas outside the park. Comments made by: USDA, DOI, EPA, DOD, State and local agencies. (ELR Order No. 51435.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, 400 7th Street SW., Washington, D.C. 20590, (202) 426-4357.

FEDERAL AVIATION ADMINISTRATION

Draft

New Kent Co. Airport, Quinton, Virginia. Virginia County: New Kent, September 22: The statement concerns the acquisition of the existing 126.7 acre privately-owned New Kent Airport and an additional 18.4 acres fee simple and 10 acres in aviation easement. The project also includes relocation of State Routes 612 and 676, and removal of existing tee hangars, lighting and marking, runway and taxiway, and installation of VASI II and REILS. Adverse impacts of the project in-

clude an increase in noise levels, the clearing of 20 acres of woods, an increase in pollution levels, and a lengthening of Route 612. (ELR Order No. 51428.)

Final

Detroit-Wayne Co. Airport, Runway (Supplement), Michigan County: Wayne, September 22: The statement is to supplement an EIS filed with CEQ 10 April 1974. The specific issues addressed consist of those in the opinion of the US District Court, Eastern District of Michigan, Southern Division. Data is included to rectify the distortion or omission of information in the statement which the court found misleading. Comments made by: HUD, USDA, COE, DOI, DOT, EPA, State agencies. (ELR Order No. 51409.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

St. Joe River Road (Forest Route 50), Idaho County: Benewah, Shoshone, September 22: The proposed improvement entails the reconstruction, on essentially the existing alignment, of Idaho Forest Highway Route 50 between Calder and Avery, Idaho, a distance of approximately 23 miles. Approximately 400 acres of land will be required for right-of-way, and of this acreage, 70 acres will be permanently committed to be used for highway pavement. (ELR Order No. 51419.)

I-255, St. Louis, Illinois County: Monroe, St. Clair, Madison, September 22: Proposed is the construction of new alignment of Interstate 255 from an interchange with FAP Route 410 north of Columbia to an interchange with Route 55 west of Collinsville, a distance of approximately 18 miles. The statement also covers the relocation of the weigh station on I-55. Approximately 800 persons will be relocated and 22 businesses displaced. In addition, farms will be severed and approximately 600 acres of agricultural land will be acquired. Other adverse effects expected include increased highway generated noise levels in several locations. A 4(f) statement is included concerning Frank Holten State Park. (ELR Order No. 51422.)

Route 36, St. Joseph and Missouri River, Missouri, Kansas, September 22: The action proposes the acquisition of limited access right-of-way from the Missouri River to 17th Street in St. Joseph, grading, multi-lane paving, interchanges, and a six lane bridge over the Missouri River from a point in Buchanan County, Kansas to 17th Street in St. Joseph. Total project length is 1.5 miles. Adverse impacts include the relocation of 264 people and 22 businesses, and the reassignment of approximately 30 acres of industrial, commercial and residential land to a transportation corridor. (ELR Order No. 51417.)

LR 1074, Spur F, Section A00, Pennsylvania County: Allegheny, September 22: Proposed is the construction of a two mile segment of Legislative Route 1074, Spur F, Section A00 from the Rankin Bridge to a connection with the new Braddock Avenue Viaduct. Access to the four-lane expressway will be provided at selected, at-grade signalized intersections. Alternative A would require the relocation of 50 families and 11 businesses. Traffic on the roadway could cause significant noise pollution. (ELR Order No. 51443.)

Final

Lake Otis Parkway, Anchorage, Alaska, September 22: Proposed is the improvement of a one-mile segment of the Lake Otis Parkway from the intersection with Tudor Road to the intersection with Northern Lights Boulevard. The project will provide a four-lane urban roadway with a median turn lane, drainage, pedestrian overpass and sidewalks modified for bicycle use. Adverse impacts of the project include an overall increase in noise levels, air pollution, commercial activ-

ity and traffic in the area, and disruption of vegetation. Comments made by: — (ELR Order No. 51423.)

U.S. 101, Elk River-Port Orford Section, Oregon County: Curry, September 22: The statement refers to the proposed construction of the Elk River-Port Orford Section of U.S. 101 in Curry County, Oregon. The proposed project consists of a two-mile segment of highway on new location. Adverse impacts will result principally from construction activity and will particularly concern aquatic resources. Comments made by: USDA, COE, DOC, DOI, USCG, EPA, State and local agencies. (ELR Order No. 51426.)

Route 58, Virginia County: Mecklenburg, September 26: The proposed project is the construction of a four-lane divided facility along the existing highway corridor of Route 58. Project length is 19.4 miles. Acquisition of right-of-way will result in the displacement of 35 families, 13 businesses and 4 non-profit organizations. Section 4(f) reviews for the loss of 24 acres of land from the Occaneechee State Park and 8.73 acres from Rudels Creek Public Use Area are included. Comments made by: DOI, HUD, COE, USCG, State agencies. (ELR Order No. 51445.)

GARY L. WIDMAN,
General Counsel.

[FR Doc. 75-26430 Filed 10-2-75; 8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[PFT3 FRL 439-1]

FMC CORP.

Notice of Filing of Food Additive Petition

A petition proposing the establishment of a food additive tolerance for residues of a pesticide in an experimental use program has been filed with the Environmental Protection Agency (EPA). Notice is given pursuant to the provisions of section 409(b)(5) of the Federal Food, Drug, and Cosmetic Act. The petition and proposal is:

FAP 6H5103, FMC Corporation, 100 Niagara St., Middleport NY 14105, proposes establishment of food additive tolerances (21 CFR Parts 123 and 561) for residues of the insecticide carbosulfate (2,3-dihydro-2,2-dimethyl-1,7-benzofuranyl-N-methylcarbamate), its carbamate metabolite 2,3-dihydro-2,2-dimethyl-3-hydroxy-7-benzofuranyl-N-methylcarbamate, and the phenolic metabolites 2,3-dihydro-2,2-dimethyl-7-benzofuranol, 2,3-dihydro-2,2-dimethyl-3-oxo-7-benzofuranol and 2,3-dihydro-2,2-dimethyl-3,7-benzofurandiol in raisin waste at 13 parts per million (ppm), of which no more than 6 ppm are carbamates, dried grape pomace at 10 ppm, of which no more than 6 ppm are carbamates, and raisins at 8 ppm, of which no more than 4 ppm are carbamates resulting from the use of the insecticide in a proposed experimental program involving application to growing grapes.

Interested persons are invited to submit written comments on this notice to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 M St. SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the EPA and others interested in inspecting them. The comments should be submitted as soon as possible and should bear a no-

tation indicating the subject (PFT3). Comments may be made at any time while a petition is pending before the Agency. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: September 23, 1975.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc. 75-26427 Filed 10-2-75; 8:45 am]

[FRL 439-2]

TECHNICAL ADVISORY GROUP TO THE MUNICIPAL CONSTRUCTION DIVISION

Meeting

Pursuant to Public Law 92-463, notice is hereby given that a meeting of the Technical Advisory Group to the Municipal Construction Division will be held at 9:00 am on November 10-11, 1975, at the Environmental Research Center, 26 St. Clair Street, Cincinnati, Ohio.

The purpose of the meeting is to review and discuss the following subject matter: Title II Procurement, Non-Restrictive Specifications, Cost Evaluation, Facilities Planning Guidance, Section 208 status, Operation and Maintenance, and status of Construction Grants.

The meeting will be open to the public. Any member of the public wishing to attend should contact the Executive Secretary, Mr. Harold P. Cahill, Jr., Director, Municipal Construction Division, EPA, Washington, D.C. 20460. The telephone number is 202-426-8986.

ANDREW W. BREIDENBACH,
Acting Assistant Administrator,
Water and Hazardous Materials.

SEPTEMBER 30, 1975.

[FR Doc. 75-26564 Filed 10-2-75; 8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20503; CSC-111, (CO-0002); FCC 75-1025]

CABLE TV OF DURANGO

Order To Show Cause

1. Four States Television, Inc., licensee of Station KIVA-TV (NBC, Channel 12) Farmington, New Mexico has filed the above-captioned petition requesting that the Commission direct Cable TV of Durango, Inc., operator of a cable television system at Durango, Colorado to show cause why it should not be ordered to cease and desist from violating the Commission's Rules. Four States Television alleges that Cable TV of Durango is in violation of the Commission's Rules for not: (a) carrying the signal of KIVA-TV pursuant to § 76.59(a) (3) of the Commission's Rules, and (b) providing Station KIVA-TV with network program non-duplication protection vis-a-vis Station KOB-TV, Albuquerque, New Mexico, pursuant to § 76.92 of the Commission's

Rules. Cable TV of Durango has opposed Four States' request, and Four States has replied.

2. Durango, Colorado is located within a smaller television market, and Cable TV of Durango, Inc. provides approximately 2,489 subscribers with the signals of the following television broadcast stations:

KOAT-TV (ABC, Channel 7), Albuquerque, New Mexico.
KGGM-TV (CBS, Channel 13), Albuquerque, New Mexico.
KOB-TV (NBC, Channel 4), Albuquerque, New Mexico.
KNME-TV (Educ., Channel 5), Albuquerque, New Mexico.
KREZ-TV (ABC/CBS/NBC, Channel 6), Durango, Colorado.
KWGN-TV (Ind., Channel 2), Denver, Colorado.
KRMA-TV (Educ. Channel 6), Denver, Colorado.

Four States Television maintains that since Station KIVA-TV is located in a smaller television market and places a predicted Grade B or better signal over all or part of Durango pursuant to § 76.59 (a) (3) of the Commission's Rules, it is entitled to carriage on the Durango system. Four States Television notes that it has made the appropriate requests for carriage upon Cable TV of Durango and contends that these requests have been ignored. In addition, Four States Television maintains that since the Durango cable television system is located within 55 miles of Farmington, New Mexico, Station KIVA-TV's city of license, it is entitled to network program non-duplication protection pursuant to § 76.92 of the Commission's Rules. Four States Television asserts that the appropriate notifications have been furnished to Cable TV of Durango pursuant to § 76.94 of the Commission's Rules, and copies of these notifications have been submitted to the Commission with its petition.

3. Cable TV of Durango opposes Station KIVA-TV's right to either carriage or network program non-duplication protection on its system, alleging that Station KIVA-TV fails to place an actual Grade B contour over any part of Durango pursuant to former § 73.683 of the Commission's Rules.¹ We are not per-

¹ In its *Report and Order in Docket 16004 and 18052*, FCC 75-636, — FCC 2d — (1975), the Commission amended Part 73 of its Rules to incorporate, *inter alia*, new propagation curves for the prediction of television field strength contours. However, simultaneous with the adoption of those rules, the Commission issued its *Notice of Proposed Rule Making in Docket No. 20496*, FCC 75-635, — FCC — (1975), looking towards the modification or elimination of the use of signal strength contours for signal carriage purposes on cable television systems. *Inter alia*, the Commission adopted certain interim procedures relating to changes adopted in *Docket 16004*. In *Docket 20496*, the Commission stated: "During the pendency of this proceeding, application of the cable television rules shall not be affected by the contour prediction and signal measurement rule changes adopted today. That is, wherever our cable television regulations make reference to signal strength contours, these rules shall

be applied and enforced with respect to the contours and measurements procedures employed prior to our action in *Docket 16004 and 18052*." Accordingly, our action today is based on our former method for determining the prediction of television field strength contours.

² Four States Television, Inc. has filed with the Commission notice that it intends to seek special relief from the Commission's adoption, in the *Second Report and Order in Docket No. 19995*, FCC 75-820, — FCC 2d — (1975), of a nationwide simultaneous non-duplication rule. In Paragraph 25 of the *Second Report and Order*, *supra*, the Commission noted that television stations operating in the Mountain Time Zone and receiving same-day network non-duplication protection as of June 18, 1975, will continue to do so if within fifteen (15) days of the date of the publication of the Commission's *Second Report and Order*, *supra*, in the Federal Register, they submit to the Commission and serve on affected cable systems a notice that special relief from the simultaneous non-duplication rule is required and will be sought. We believe that, in the instant case, the secondary issue of the extent of network program non-duplication protection on the Durango system should be decided in the context of the special relief processes contemplated in Paragraph 25 of the *Second Report and Order*.

Accordingly, it is ordered, That pursuant to Section 312 (b) and (c), and 409 (a) of the Communications Act of 1934, as amended 47 U.S.C. 312 (b) and (c), and 409(a), Cable TV of Durango, Inc. IS DIRECTED to show cause why it should not be ordered to cease and desist from further violation of §§ 76.59(a) (3)

be applied and enforced with respect to the contours and measurements procedures employed prior to our action in *Docket 16004 and 18052*." Accordingly, our action today is based on our former method for determining the prediction of television field strength contours.

³ Four States Television, Inc. has filed with the Commission notice that it intends to seek special relief from the Commission's adoption, in the *Second Report and Order in Docket No. 19995*, FCC 75-820, — FCC 2d — (1975), of a nationwide simultaneous non-duplication rule. In Paragraph 25 of the *Second Report and Order*, *supra*, the Commission noted that television stations operating in the Mountain Time Zone and receiving same-day network non-duplication protection as of June 18, 1975, will continue to do so if within fifteen (15) days of the date of the publication of the Commission's *Second Report and Order*, *supra*, in the Federal Register, they submit to the Commission and serve on affected cable systems a notice that special relief from the simultaneous non-duplication rule is required and will be sought. We believe that, in the instant case, the secondary issue of the extent of network program non-duplication protection on the Durango system should be decided in the context of the special relief processes contemplated in Paragraph 25 of the *Second Report and Order*.

and 76.92 of the Commission's Rules and Regulations on its cable television system serving Durango, Colorado.

It is further ordered, That Cable TV of Durango, Inc. is directed to appear and give evidence with respect to the matters described above at a hearing to be held at Washington, D.C. at a time and place before an Administrative Law Judge to be specified by subsequent or-

der, unless the hearing is waived in which event a written statement may be submitted.

It is further ordered, That Four States Television, Inc. and the Chief, Cable Television Bureau are made parties to this proceeding.

It is further ordered, That the Secretary of the Federal Communications Commission shall send copies of this

order by certified mail to Cable TV of Durango, Inc.

Adopted: September 9, 1975.

Released: September 18, 1975.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-26495 Filed 10-2-75;8:45 am]

CANADIAN STANDARD BROADCAST STATIONS

Notification List

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Canadian list No. 335, Sept. 11, 1975

Call letters	Location	Power (kilowatts)	Antenna	Schedule	Class	Antenna height (feet)	Ground system		Proposed date of commencement of operation
							Number of radials	Length (feet)	
CJCI (now in operation)	Woodstock, New Brunswick, N.	980 kHz 10D/1N	DA-2	U	III				
	46°07'30", W. 67°35'10"								
New (clarification of vertical radiation patterns)	Lac Etchemin, Quebec, N.	980 kHz 1	DA-N, ND-D- 188	U	III				E.L.O., 5-6-76
	46°22'48", W. 70°26'00"								
CBSL (assignment of call letters)	Rimouski, Quebec, N.	1110 kHz 10	DA-2	U	III				E.L.O., 5-20-76
	48°23'43", W. 68°37'59"								
CHGB (PO 1310 kHz, 10D/5N, DA-N, ND-D-192)	La Pocatière, Quebec, N.	1310 kHz 10	DA-N, ND-D- 192	U	III				E.L.O., 9-11-76
	47°20'45", W. 70°05'04"								
CKCB (now in operation)	Collingwood, Ontario, N.	1400 kHz 1D 0.25N	ND-180	U	IV	120	120	281	
	44°28', W. 80°14'45"								

[SEAL]

WALLACE E. JOHNSON,
Chief, Broadcast Bureau,
Federal Communications Commission.

[FR Doc.75-26498 Filed 10-2-75;8:45 am]

1979 WARC CONFERENCE WORKING GROUP

Meetings

SEPTEMBER 26, 1975.

Pursuant to Section 10 of the Federal Advisory Committee Act, 5 U.S.C. App. 1 § 10 (Supp. III, 1973), notice is hereby given of the initial meeting of the 1979 World Administrative Radio Conference (WARC) Cable Television Satellite Distribution and Radio Relay Working Group on November 4, 1975, at 2025 M Street NW., Washington D.C., Room 6331. The meeting is scheduled to commence at 10 a.m.

The agenda is as follows:

- (1) Establish membership.
- (2) Establish a schedule and such infrastructure as is necessary to accomplish the purpose of the group: Examine the projected radiated spectrum requirements for the transmission of information ancillary to cable television and similar distributive/collective broadband wire transmission systems.
- (3) Adjournment.

Numerous service-oriented working groups have been formed by the Commission to investigate the spectrum needs of the United States to the year 2000. The outputs of the various groups will be

channeled to one or more of four functional committees which will examine spectrum requirements and give recommendations based on these requirements to the FCC Steering Committee. The Steering Committee, composed of representatives of each of the Commission's Bureaus and Offices, will be responsible for formulating the Commission's basic spectrum recommendations for use at the 1979 Conference.

Any member of the public may attend or file a written statement with the Group either before or after the meeting. Inquiries may be directed to A. M. Rutkowski, Room 6216, FCC, Washington, D.C., 20554; telephone 202-632-9797.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-26496 Filed 10-2-75;8:45 am]

WVON, CICERO, ILLINOIS

Standard Broadcast Application Ready and Available for Processing

The following application requests authority to restore standard broadcast service provided by former station WVON, Cicero, Illinois, (not to be con-

fused with present station WVON, Chicago, Illinois, 1390 kHz, 5 kW, DA-2, U). The Commission will accept other applications for consolidation with this application which propose essentially the same facilities.

BP-20041-NEW, Cicero, Illinois, Radio Cicero, Inc., Req: 1450 kHz, 250 W, 1 kW-LS, U.

Pursuant to the provisions of §§ 1.227 (b)(1) and 1.591(b) of the Commission's rules, an application, in order to be considered with this application, must be tendered no later than November 7, 1975.

The attention of any party in interest desiring to file pleadings concerning this application, pursuant to section 309 (d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(d) of the Commission's rules for the provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: September 26, 1975.

Released: September 29, 1975.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-26497 Filed 10-2-75;8:45 am]

[Docket No. 20418 RM-2346; FCC 75-1080]

TELEVISION TABLE OF ASSIGNMENTS

Order Extending Time for Filing Comments and Reply Comments

In the matter of petition for rule making to amend television table of assignments to add new VHF stations in the top 100 markets and to insure that the new stations maximize diversity of ownership, control and programming.

1. On April 1, 1975, the Commission adopted a *Notice of Inquiry* in the above-entitled proceeding. Publication was made in the *FEDERAL REGISTER* on April 18, 1975, 40 FR 17321. The dates originally set for filing comments and reply comments were July 11 and August 11, 1975, respectively.

2. On May 15, 1975, the Association of Maximum Service Telecasters, Inc., requested an extension of these dates to and including October 15 and November 18, 1975, because of the magnitude of the task of preparing comments in this proceeding. That request was granted by an *Order* released June 4, 1975, 40 FR 24540.

3. On August 29, 1975, the Association of Federal Communications Consulting Engineers (AFCCCE) requested that the time for filing comments and reply comments be further extended to and including December 16, 1975, and January 30, 1976, respectively. AFCCCE states that the *Report and Order* in Dockets 16004 and 18052 released by the Commission on June 27, 1975, adopted new field strength curves and a terrain roughness factor calculation which made obsolete all television station coverage contours previously calculated. It avers that the new procedure, which requires studies of terrain to a distance of 31 miles, introduced a complicating factor which substantially extends the efforts necessary to study the effect of the "drop-in" on existing facilities. AFCCCE adds that another *Report and Order*, in Docket 20265, was released by the Commission on July 14, 1975, which modified the acceptance requirements for certain types of standard broadcast applications and which resulted in requests from a substantial number of station owners and prospective licensees for engineering studies.

4. AFCCCE points out that these two Commission actions since June 4, 1975, and preliminary work which better revealed the magnitude of the job to be performed have convinced its membership that meeting the present filing date is impractical. (AFCCCE indicates that it does not intend to file comments or reply comments as an association but that individual members will be engaged in such activity.) It states that the extension requested herein is expected to be enough to permit completion of engineering reports in sufficient time to be considered by parties and their attorneys as part of the material underlying responses to the *Notice*. AFCCCE notes that the time for reply comments has been requested to be more than the usual

30-day period because the holiday season is expected to produce its usual disruptions in work schedules.

5. Although substantial periods of time have already been established for the filing of comments and reply comments in this proceeding and undue delay is undesirable, we believe the request of AFCCCE has merit and that the public interest would be served by extending the time in this proceeding as requested. Accordingly, it is ordered That the petition filed by the Association of Federal Communications Consulting Engineers is granted and the dates for filing comments and reply comments are extended to and including December 16, 1975, and January 30, 1976, respectively.

6. This action is taken pursuant to authority found in Sections 4(i), and 303(r) of the Communications Act of 1934, as amended, and § 1.46 of the Commission's Rules.

Adopted: September 23, 1975.

Released: September 29, 1975.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-26493 Filed 10-2-75;8:45 am]

[Docket No. 20402]

TELEVISION PROGRAM PRODUCT AND PROGRAMMING

Order Regarding Policies and Practices

In the matter of inquiry into policies and practices concerning the exclusive purchase of television program product and the ability of conventional television stations, subscription television stations, cable television systems, and subscription cable television operations to obtain programming.

1. On March 20, 1975, the Commission issued a *Notice of Inquiry* in the above-entitled proceeding. Comments and reply comments are presently due on September 26, 1975, and October 30, 1975, respectively.

2. On September 19, 1975, the National Cable Television Association, Inc. (NCTA), filed a "Petition for Extension of Time for Filing Comments" pursuant to Section 1.46 of the Commission's Rules. The petition of NCTA requests that the Commission extend the dates for the filing of comments and reply comments in Docket 20402 to October 26, 1975, and November 30, 1975, respectively.

3. In support of its petition, NCTA asserts that material relevant to the Commission's inquiry is to be published by the Senate Anti-trust and Monopoly Subcommittee by the end of September, and the requested extension of time is necessary to allow NCTA an opportunity to analyze this information prior to the filing of its comments. Additionally, NCTA claims that because a number of other deadlines for filing comments fall due during September, more time is required to prepare its comments in Docket 20402.

4. When the Commission issued its *Notice of Inquiry* in Docket 20402, it provided an extended pleading schedule because of the complex nature of the subject under study. Although it would appear that the pleading schedule provided by the Commission allowed an adequate period for the preparation of comments, it does not appear that the public interest would be harmed by a grant of the extension requested by NCTA.

Accordingly, It is ordered, That the dates for filing comments and reply comments in the captioned proceeding are extended to October 26, 1975, and November 30, 1975, respectively.

This action is taken by the Chief, Cable Television Bureau pursuant to authority delegated by § 0.288(a) of the Commission's Rules.

Adopted: September 23, 1975.

Released: September 26, 1975.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] J. CLAY SMITH, Jr.,
Deputy Chief,
Cable Television Bureau.

[FR Doc.75-26494 Filed 10-2-75;8:45 am]

FEDERAL MARITIME COMMISSION

PUERTO RICO MARITIME SHIPPING AUTHORITY AND TRAILER MARINE TRANSPORT CORP.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before October 20, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Dennis N. Barnes, Esquire, Morgan, Lewis & Bockius, 1800 M Street, NW., Washington, D.C. 20036.

Agreement No. DC-83, between the Puerto Rico Maritime Shipping Authority (PRMSA) and Trailer Marine Transport Corporation (TMT) provides for: (1) the parties' discussion of tariff rates, charges, classifications, practices and related matters to be charged or observed by each in the U.S. Atlantic Coast/Puerto Rico trade; and (2) the parties' discussion exploring the resolution of matters now in litigation between the parties before the Federal Maritime Commission.

By Order of the Federal Maritime Commission.

Dated: September 30, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-26548 Filed 10-2-75;8:45 am]

FEDERAL MEDIATION AND CONCILIATION SERVICE

ARBITRATION SERVICES ADVISORY COMMITTEE

Meeting

Notice is hereby given that the Federal Mediation and Conciliation Service Arbitration Services Advisory Committee, in accordance with section 10 of the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463, 86 Stat. 770-776), will meet on Thursday, November 6, and Friday, November 7, 1975, in the Toulouse Room of the Delta Towers Hotel, 1732 Canal Street, New Orleans, Louisiana. The meeting will commence at 2 p.m. on November 6 and 9 a.m. on November 7.

The agenda for the meeting is as follows:

1. Review of Committee suggestions and actions since prior meeting.
 2. Proposed revision of rules and regulations, including removal procedure.
 3. Structuring Office of Arbitration Services with regional representation.
 4. Current statistical report.
 5. Additions to roster of arbitrators.
 6. Arbitrator symposiums.
 7. Code of professional responsibility.
 8. Arbitration development program.
- The meeting shall be open to the public.

Communications regarding this meeting should be addressed as follows:

Mr. Lawrence B. Babcock, Jr., Executive Assistant to the National Director, Federal Mediation and Conciliation Service, Washington, D.C. 20427.

Signed at Washington, D.C., this twenty-ninth day of September 1975.

W. J. USERY, Jr.,
National Director.

[FR Doc.75-26538 Filed 10-2-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-247]

THE CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Notice of Availability of Licensee's Environmental Report; Notice of Proposed Issuance of Amendment to Facility Operating License and Notice of Opportunity for Hearing for Indian Point Nuclear Generating Unit No. 2

Notice is hereby given that by letter dated June 4, 1975, the Consolidated Edison Company of New York, Inc. (the licensee) has applied for an amendment to Facility Operating License No. DPR-26 in accordance with paragraph 2.E(1)(c) of the license, as modified by Amendment No. 6 dated May 6, 1974, for Indian Point Nuclear Generating Unit No. 2 located in Westchester County, New York. The amendment as proposed by the licensee would extend the time that the licensee would be allowed to operate Indian Point Unit No. 2 with the present mode of once-through cooling from May 1, 1979 to May 1, 1981.

In support of their requested amendment, the licensee has submitted an "Environmental Report to Accompany Application for Facility License Amendment for Extension of Operation with Once-Through Cooling for Indian Point Unit No. 2," dated June 1975.

The licensee's report and request for amendment to the facility operating license are being made available for public inspection in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. 20555 and in the Hendrick Hudson Free Library, 31 Albany Post Road, Montrose, New York 10548. The licensee's report and request for amendment to the license have also been made available at the New York State Office of Planning Services, 488 Broadway, Albany, New York 12207, and the Tri-State Regional Planning Commission, 100 Church Street, New York, New York 10006.

The licensee's report includes the results of additional data and analyses of studies arising out of the licensee's Hudson River Ecology Study Program conducted during 1973 and to a limited extent in 1974, and other biological data that were not available for consideration incident to the proceedings leading to the issuance of a full-term, full-power license. The report also addresses the environmental consequences of the requested extension of once-through cooling and includes the benefits to be derived from granting the requested deferral of installation of a closed-cycle cooling system.

After the report has been analyzed by the Commission's Director of Nuclear Reactor Regulation or his designee, a draft environmental statement on the request for extension of operation with

once-through cooling will be prepared. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft environmental statement, with a request for comments from interested persons on the draft environmental statement. The summary notice will also contain a statement to the effect that comments from Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

The Commission will consider the issuance of an amendment to the facility operating license to the Consolidated Edison Company for operation of Indian Point Unit No. 2 in accordance with the provisions of the license, as amended, and the technical specifications appended thereto, upon: (1) completion of the environmental review required by the Commission's regulations in 10 CFR Part 51 and (2) a finding by the Commission that the request for license amendment complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations in 10 CFR Chapter I and that the license amendment will not be inimical to the common defense and security or to the health and safety of the public.

By November 3, 1975, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's Rules of Practice in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Atomic Safety and Licensing Board, designated to preside in this proceeding, will rule on the request for a hearing or the Licensing Board will issue a notice of hearing or other appropriate order regarding the disposition of the petitions.

A petition for leave to intervene must be filed under oath or affirmation in accordance with the provisions of 10 CFR § 2.714. It shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. The petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the proceeding as to which the petitioner wishes to intervene, and specifies with particularity the facts pertaining to his interest, and the basis for his con-

tentions with regard to each aspect on which he desires to intervene. A petition which sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A request for a hearing or petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section by November 3, 1975. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, Chief Hearing Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Leonard M. Trosten, Esq., LeBoeuf, Lamb, Leiby & MacRae, 1757 N Street NW., Washington, D.C. 20036, the attorney for the licensee.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding, and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

As they become available, the following documents may be inspected at the previously mentioned locations: (1) the draft environmental statement (2) the final environmental statement (3) the proposed facility operating license amendment.

Copies of the draft environmental statement and the facility operating license amendment, when available, may be obtained by request to the Acting Director, Division of Reactor Licensing, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the Office of Nuclear Reactor Regulation's final environmental statement, when available, may be obtained from the National Technical Information Service, Springfield, Virginia 22161.

Indian Point Unit No. 2 is presently being operated with once-through cooling in accordance with the full-term, full-power Facility Operating License DPR-26, as amended, which was issued on September 28, 1973 and shall expire on October 14, 2006.

Dated at Rockville, Maryland this 24th day of September 1975.

For the Nuclear Regulatory Commission,

GEORGE W. KNIGHTON,
Chief, Environmental Projects
Branch No. 1, Division of Reactor Licensing.

[FR Doc. 75-26178 Filed 10-2-75; 8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON THE PALO VERDE NUCLEAR PLANT, UNITS 1, 2, AND 3

Meeting

In accordance with the purposes of Sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the ACRS Subcommittee on the Palo Verde Nuclear Plant, Units 1, 2, and 3 will hold

a meeting on October 20, 1975 at the Sheraton Airport Inn, 2901 E. Skyharbor Boulevard, Phoenix, AZ. The purpose of this meeting is to review the application of Arizona Public Service Company for a permit to construct this plant.

The agenda for the subject meeting shall be as follows:

Monday, October 20, 1975, 1 p.m. The Subcommittee will meet in closed Executive Session, with any of its consultants who may be present, to: (1) explore preliminary opinions regarding the proposed plant construction and site, (2) discuss suggestions and recommendations advanced by members of the Subcommittee in regard to ways and means to develop most effectively those remaining items of information which are required to form the basis for a Subcommittee recommendation to the full Committee, and (3) develop a detailed plan for coverage of all agenda items during the follow-on meeting with representatives of the NRC Staff and Applicant.

1:15 p.m. until the conclusion of business. The Subcommittee will meet in open session to hear presentations from the NRC Staff and representatives of the Arizona Public Service Company and their consultants concerning the application for a construction permit for the Palo Verde Plant.

At the conclusion of the open session, the Subcommittee will caucus in a brief, closed session to determine whether the matters identified in the initial closed session have been adequately covered and whether the project is ready for review by the full Committee. During the session, Subcommittee members and consultants will discuss their final opinions and recommendations on these matters. Upon conclusion of this caucus, the Subcommittee will meet again in brief open session to announce its determination.

In addition to these closed deliberative sessions, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring with the NRC Staff and the Applicant matters involving proprietary information, particularly with regard to specific features of the plant design and plans related to plant security.

I have determined, in accordance with Subsection 10(d) of Public Law 92-463, that it is necessary to conduct the above closed sessions to protect the free interchange of internal views in the final stages of the Subcommittee's deliberative process (5 U.S.C. 552(b)(5)) and to protect confidential proprietary or plant security information (5 U.S.C. 552(b)(4)). Separation of factual material from individuals' advice, opinions, and recommendations while closed Executive Sessions are in progress is considered impractical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incomplete open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by providing 15 copies to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than October 13, 1975, to Mr. G. R. Quittschreiber, ACRS, Nuclear Regulatory Commission, Washington, D.C. 20555 will normally be received in time to be considered at this meeting.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H St. NW., Washington, D.C. 20555 and at the Phoenix Public Library, Science and Industry Section, 12 East McDowell Road, Phoenix, AZ 85004.

(b) Those persons wishing to make an oral statement at this meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements on topics relevant to the Committee's purview at an appropriate time chosen by the Chairman of the Subcommittee.

(c) Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on October 17, 1975, to the Office of the Executive Director of the Committee (telephone 202/634-1374, Attn: Mr. G. R. Quittschreiber) between 8:15 a.m. and 5 p.m., Eastern Daylight Time.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Persons with agreements or orders permitting access to proprietary information, other than plant security information, may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the

agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. G. R. Quittschreider of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion of the meeting will be available for inspection on or after October 28, 1975, at the NRC Public Document Room, 1717 H St. NW., Washington, D.C. 20555, and at the Phoenix Public Library, Science and Industry Section, 12 East McDowell Road, Phoenix, AZ 85004. Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St. NW., Washington, D.C. 20555 after January 20, 1976. Copies may be obtained upon payment of appropriate charges.

Dated: September 29, 1975.

JOHN C. HOYLE,
Advisory Committee
Management Officer.

[FR Doc. 75-26506 Filed 10-2-75; 8:45 am]

[Docket No. 50-255]

CONSUMERS POWER CO.

Issuance of Amendment to Provisional Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 15 to Provisional Operating License No. DPR-20 issued to Consumers Power Company which revised Technical Specifications for operation of the Palisades Plant located in Covert Township, Van Buren County, Michigan. The amendment is effective as of its date of issuance.

The amendment increases the allowable operating time from 90 effective full power days to 135 effective full power days before the next steam generator tube inspection, and requires a report to the Commission of any steam generator leakage equal to or greater than 0.15 gallons per minute for the duration of the extended operating interval. Notice of Proposed Issuance of Amendment to Provisional Operating License in connection with this action was published in the FEDERAL REGISTER on August 13, 1975 (40 FR 34030). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

In addition, the amendment requires that future inservice inspections of the steam generator tubes be conducted in accordance with Regulatory Guide 1.83, "Inservice Inspection of Pressurized Water Reactor Steam Generator Tubes", Revision 1 (Issued July 1975), and adds a restriction on the maximum allowable extension of surveillance test intervals

to the effect that the total maximum combined interval for any three consecutive tests not exceed 3.25 times the specified interval. Prior public notice of this aspect of the amendment is not required since it does not involve a significant hazards consideration.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated August 5, 1975 as supplemented August 6 and 14, 1975, (2) Amendment No. 15 to License No. DPR-20 with Change No. 19 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Michigan.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 25th day of September 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors
Branch #1, Division of Re-
actor Licensing.

[FR Doc. 75-26505 Filed 10-2-75; 8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on September 30, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C.

20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

ENVIRONMENTAL PROTECTION AGENCY

Estimate of municipal wastewater treatment facility requirements, EPA-1, on occasion, contractor, Lowry, R. L., 395-3772.

NATIONAL SCIENCE FOUNDATION

Applicant information sheet, annually, college and university teachers, Caywood, D. P., 395-3443.

U.S. CIVIL SERVICE COMMISSION

Availability of summer employment:

BA-538, on occasion, applicants for employment, Caywood, D. P., 395-3443.
BN-538, on occasion, applicants for employment, Caywood, D. P., 395-3443.
BR-538, on occasion, applicants for employment, Caywood, D. P., 395-3443.
BU-538, on occasion, applicants for employment, Caywood, D. P., 395-3443.
BH-538, on occasion, applicants for employment, Caywood, D. P., 395-3443.
Application for veterans' readjustment referral, BN-506, on occasion, applicants for employment, Caywood, D. P., 395-3443.
Availability form for Federal protective officer, BN-455, on occasion, applicants for employment, Caywood, D. P., 395-3443.

OFFICE OF THE SECRETARY

Supplemental experience form air traffic control specialists, BN-328, on occasion, applicants for employment, Caywood, D. P., 395-3443.

U.S. CIVIL SERVICE COMMISSION

Availability information for office worker applicants, BN-45, on occasion, applicants for employment, Caywood, D. P., 395-3443.
Availability and personal certification statement, BP-553, on occasion, applicants for employment, Caywood, D. P., 395-3443.
Geographic area preference, BR-451, on occasion, applicants for employment, Caywood, D. P., 395-3443.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health, Framingham heart study exam 14 code sheet, decks 401 through 405 and 407, ISNH-HL-22, single-time, approximately 3,800 participants of ongoing study, George Hall, 395-6140.

Office of Human Development, interview questionnaire for use in gathering about diagnostic services for handicapped children in Head Start, single-time, diagnostic providers and Head Start personnel in 34 sites, George Hall, 395-6140.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary:
Health insurance survey—enrollment verification form, OS-48-75-B, single-time, adults enrolled in HIS, Reese, B. F., 395-3211.
Health insurance study—Health report, OS-48-75A, weekly, individuals, Reese, B. F., 395-3211.

REVISIONS

GENERAL SERVICES ADMINISTRATION

Application for Federal assistance—construction, on occasion, State and local governments, Lowry, R. L., 395-3772.

NATIONAL SCIENCE FOUNDATION

Survey of scientific and engineering personnel employment at universities and colleges, January 1976, 724, annually, institutions of higher education with science programs, Joan Turek.

GENERAL SERVICES ADMINISTRATION

Application for Federal assistance—short form, on occasion, State and local governments, Lowry, R. L., 395-3772.
 Preapplication for Federal assistance, on occasion, State and local governments, Lowry, R. L., 395-3772.

REVISIONS

GENERAL SERVICES ADMINISTRATION

Application for Federal assistance—nonconstruction, on occasion, State and local governments, Lowry, R. L., 395-3772.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary, health insurance survey, semiannual survey II, OS-51-75, other (see SF-83), HH's enrolled in health insurance study, Human Resources Division, Reese, B. F., 395-3532.

EXTENSIONS

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Grantee quarterly cash requirement report, NASA 1031, quarterly, universities, Marsha Traynham, 395-4529.
 Contractor financial management report, 533 series, monthly, NASA cost-type contractors, Marsha Traynham, 395-4529.

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration, Federal-aid (for State highway) project agreement, PR-2, on occasion, 52 State highway agencies, Lowry, R. L., 395-3772.

PHILLIP D. LARSEN,
*Budget and Management
 Officer.*

[FR Doc.75-26587 Filed 10-2-75; 8:45 am]

[CIRCULAR NO. A-108 Transmittal
 Memorandum No. 1]

PRIVACY ACT OF 1974

SEPTEMBER 30, 1975.

Responsibilities for the Maintenance of Records About Individuals by Federal Agencies

1. *Purpose.* This supplement to OMB Circular A-108 dated July 1, 1975 provides guidance to Federal agencies regarding the preparation and submission of reports of their intention to establish or alter systems of personal records as required by the Privacy Act of 1974 (P.L. 93-579, 5 U.S.C. 552a(o)). These procedures supersede preliminary guidance on preparing the Report on New Systems contained in the OMB Privacy Act Guidelines dated July 1, 1975 (FEDERAL REGISTER, July 9, 1975, p. 28977).

2. *Reporting requirements.*

a. *A Report on New Systems must be submitted when:*

(1) *A new system of personal records subject to the Privacy Act is proposed.* A new system of records subject to the new system reporting requirement is one for which no public notice consistent with the provisions of subsection (e) (4) is currently published in the FEDERAL REGISTER.

If a public notice for any specific system of records is withdrawn, suspended, cancelled, or terminated and subsequently reinstated, the subject system of records shall be considered a new system and subject to the new system reporting requirement at such time that it is reinstated.

(2) *A change to a system of personal records subject to the Privacy Act is proposed.* A new system report is required for any change to an existing system which meets any of the following criteria.

(a) Increase or change the number or types of individuals on whom records are maintained. Changes involving the number (rather than the types) of individuals about whom records are kept need only be reported when that change significantly alters the character and purpose of the system of records, e.g., normal increases in historical files or other increases in the number of records in a file which can be attributed to normal growth patterns need not be reported. A change resulting from a change in the scope of the population covered; e.g., a system which only covered a portion of the work force is expanded to cover all, is required to be reported.

(b) Expand the type or categories of information maintained. For example, if an employee payroll file is expanded to include data on education and training, this would be considered an expansion of the "type or categories of information" maintained, and would have to be reported.

(c) Alter the manner in which the records are organized or the manner in which the records are indexed or retrieved so as to change the nature or scope of those records. For example, the combining of two or more existing systems or splitting an existing system into two or more different systems such as might occur in a centralization or decentralization of organizational responsibilities would require a report.

(d) Alter the purposes for which the information is used. For example, a proposal that files currently used as historical military service records are to be used for making determinations on eligibility for disability benefits would require a report. A proposal to establish or change the "routine uses" of the system will not require the submission of a Report on New System if such use is compatible with the purposes for which the system is maintained; i.e., does not, in effect, create a new purpose. Any new or changed "routine use" would, however, be subject to the requirements to give 30 days prior notice of such change in the FEDERAL REGISTER (5 U.S.C. 552a(e) (11)).

(e) Change the equipment configuration (i.e., hardware and/or software) on which the system is operated so as to create the potential for either greater or easier access. For example, the addition of a telecommunications capability which could increase the risk of unauthorized access would require a report.

b. *Content of the Report.* The agency report on proposed new systems, or pro-

posal to modify existing systems shall consist of a brief narrative description, supporting documentation and an update of the inventory of Federal personal data systems as outlined below:

(1) *Narrative Statement.*—A brief statement, normally not to exceed four pages in length, which:

—Describes the purposes of the system of records.

—Identifies the authority under which the system of records is to be maintained.

—Provides the agency's evaluation of "the probable or potential effect of such proposal on the privacy and other personal or property rights of individuals or the disclosure of information relating to such individuals and its effect on the preservation on the constitutional principle of federalism and separation of power," and

—Provides a brief description of steps taken by the agency to minimize the risk of unauthorized access to the system of records including a discussion of higher or lower risk alternatives which were considered for meeting the requirements of the system. A more detailed assessment of the risks and specific administrative, technical, procedural, and physical safeguards established shall be available on request.

The narrative statement should make reference, as appropriate, to information in the supporting documentation rather than restate such information.

Where changes to computer installations, communications networks, or any other general changes in information collection, handling, storage or dissemination are made which affect multiple systems of records; a single consolidated new system report may be submitted. In such cases, the narrative statement should address the overall privacy implications of the proposed change, identify all systems of records affected by the change and briefly describe any unique impacts on any specific system of records. Supporting documentation, as defined in the subsequent paragraphs, shall be provided for each system of records.

(2) *Supporting Documentation.*—The following shall be appended to all new system reports:

(a) *An advance copy of the new or revised system notice* (consistent with the provisions of 5 U.S.C. 552a(e) (4)) which the agency proposes to publish for the new or altered system(s). For proposed alterations of existing systems the documentation should be provided in the same form as the agency proposes to publish the public notice of such changes. If the agency proposes to publish changes in the form of a revision to the public notice, a copy of the proposed notices of revision should be provided. If the agency plans to supersede the entire existing notice, changes from the currently published notice shall be highlighted by underlining all new or revised portions.

(b) *An advance copy of any new rules or changes to published rules* (consistent with the provisions of 5 U.S.C. 552a (e) (11) and (f)) which the agency proposes

to issue for the new or altered system. If no change to existing rules are required for the proposed new or altered system, the report shall so state. Proposed changes to existing rules shall be provided in a manner similar to that described for the system notices.

(c) *An advance copy of any proposed rules setting forth the reasons why the system is to be exempted from any specific provision, (consistent with the provisions of 5 U.S.C. 552a (j) or (k)) if the agency head plans to invoke any exemptions for the new or altered systems.*

(3) *Update of Federal Inventory of Personal Data Systems*—OMB in cooperation with the National Archives and Records Service is developing a perpetual inventory of all systems of records subject to the Act. The detailed plans for this inventory are still being developed. It is anticipated, however, that agencies will be requested to provide a simple report to facilitate maintenance of the Federal Inventory. This portion of the report on new systems is not in effect until such time as further instructions are issued.

c. Report Format.

(1) *Narrative Statement.* No standard format has been established for the narrative statement. Agencies should present the information requested in the most concise fashion possible.

(2) *Supporting Documentation.* The format of the documentation shall, where applicable, be consistent with the publication requirements established by the Office of the Federal Register of the General Services Administration.

(3) *Update of Federal Inventory of Personal Data Systems.* Format being developed.

d. *Distribution of Report.* Two copies of each new systems report shall be submitted to each of the following:

(1) Speaker of the House.

(2) President of the Senate.

(3) The Privacy Protection Study Commission during the period of its existence as set forth in Section 5(g) of the Privacy Act.

(4) Office of Management and Budget.

e. *Timing.* A report on a proposed new or altered system of records shall be submitted no later than the following dates; whichever is earlier:

(1) Sixty (60) days before any issuance of data collection forms and/or instructions; or

(2) Sixty (60) days before any public issuance of a Request for Proposal or an Invitation to Bid for computer and/or communications systems or services intended to support the system of records.

3. *Effective Date.* The provisions of this Transmittal Memorandum are effective upon issuance.

4. *Inquiries.* Inquiries concerning this Transmittal Memorandum may be addressed to the Information Systems Division, Office of Management and Budget, Room 9002, NEOB, Washington, D.C. 20503, telephone 202 395-4814.

JAMES T. LYNN,
Director.

[FR Doc.75-26853 Filed 10-2-75;11:44 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

CANADIAN JAVELIN, LTD.

Suspension of Trading

SEPTEMBER 25, 1975.

The common stock of Canadian Javelin, Ltd. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Canadian Javelin, Ltd. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from September 26, 1975 through October 5, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-26445 Filed 10-2-75;8:45 am]

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Suspension of Trading

SEPTEMBER 5, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Vending Machine Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from September 7, 1975 through September 16, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-26446 Filed 10-2-75;8:45 am]

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Suspension of Trading

SEPTEMBER 16, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Vending Machine Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from September 17, 1975 through September 26, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-26447 Filed 10-2-75;8:45 am]

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Suspension of Trading

SEPTEMBER 26, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Vending Machine Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from September 27, 1975 through October 6, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-26448 Filed 10-2-75;8:45 am]

[File No. 500-1]

HALLCRAFT HOMES, INC.

Suspension of Trading

SEPTEMBER 24, 1975.

The common stock of Hallcraft Homes, Incorporated being traded on the American Stock Exchange and The Pacific Coast Stock Exchange and the 5¼% convertible subordinated debentures due 1996 being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Hallcraft Homes, Incorporated being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from 10:25 a.m. (EDT) on September 24, 1975 through midnight (EDT) on October 3, 1975.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-26449 Filed 10-2-75;8:45 am]

[File No. 81-100; Administrative Proceeding
File No. 3-4734]

IPS COMPUTER MARKETING CORP.

Hearing on Application for Exemption

SEPTEMBER 25, 1975.

Notice is hereby given that IPS Computer Marketing Corporation ("the Applicant") has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended ("the Act") for an order exempting the Applicant from the provisions of Section 15(d) of the Act. Exemption from Section 15(d) will have the effect of exempting the Applicant from Section 13 of the Act.

Section 15(d) of the Act provides that each issuer which shall file a registration statement which has become effective pursuant to the Securities Act of 1933, as amended, shall file with the Commission in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors, such supplementary and periodic information, documents and reports as may be required pursuant to Section 13 of the Act in respect of a security registered pursuant to Section 12 of the Act.

Section 12(h) empowers the Commission to exempt, in whole or in part, any issuer or class of issuers from the provisions of Section 15(d), if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The application states in part:

1. The Applicant is a Delaware corporation formed in 1963 and is engaged in the lease, purchase, sale and brokerage of used computers and related equipment.

2. In June 1972, the Applicant issued and sold 125,000 shares of its common stock in a registered public offering (File No. 2-43955).

3. On September 1, 1974, the first day of the Applicant's fiscal year, Applicant had 301 holders of record. As of August 29, 1975, the Applicant had 293 holders of record.

4. Ten stockholders owning 72.7 percent of the shares outstanding whose shareholdings relate back to the period prior to the public offering, or who are directors and officers of the Applicant, should be disregarded in the computation of the number of record holders for purposes of Section 15(d).

5. The cost of the preparation and filing of the reports required by Section 15(d) presents a financial burden for the Applicant.

It is ordered pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended, that a hearing on the application of IPS Computer Marketing Corp. for an exemption from the provisions of Section 12 and 15(d) of that Act

be held on October 28, 1975 at 10 a.m. at the offices of the Securities and Exchange Commission, 500 North Capitol Street, Room 776, Washington, D.C. An Administrative Law Judge will be designated to preside at the hearing. Any person desiring to be heard is directed to file with the Secretary of the Commission his request as provided for by Rule 9(c) of the Commission's Rules of Practice, setting forth any issues of fact or law which he desires to controvert and/or setting forth any additional issues which he feels should be considered.

The Division of Corporation Finance advises that it has made a preliminary examination of the application and that, on the basis thereof, the following matters and questions are to be presented for consideration in this proceeding:

1. Whether the number of public investors and the amount of trading interest, actual or potential in the Applicant's securities justify the requested exemption;

2. Generally, whether the requested exemption is consistent with the public interest and with the protection of investors.

It is further ordered that the Secretary of the Commission shall give notice of the aforesaid hearings by mailing a copy of this Notice and Order by certified mail to IPS Computer Marketing Corporation and its attorney and that notice to all other persons be given by publication of this Notice and Order in the FEDERAL REGISTER, and that a general release of the Commission in respect to this Notice and Order be distributed to the press and mailed to those persons whose names appear on the mailing list for releases.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[PR Doc.75-26450 Filed 10-2-75;8:45 am]

[File No. 500-1]

ROYAL PALM BEACH COLONY, INC.

Suspension of Trading

SEPTEMBER 24, 1975.

The common stock of Royal Palm Beach Colony, Inc. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Royal Palm Beach Colony, Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from 10:25 a.m.

(EDT) on September 24, 1975 through midnight (EDT) on October 3, 1975.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[PR Doc.75-26451 Filed 10-2-75;8:45 am]

[Rel. No. 34-11679; File No. SR-Amex-75-3]

SELF-REGULATORY ORGANIZATIONS

American Stock Exchange, Inc.

In the matter of proposed rule change by American Stock Exchange, Inc.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on September 16, 1975, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The American Stock Exchange, Inc. ("Amex") pursuant to Rule 19b-4 of the Securities Exchange Act of 1934 (the "Act") proposes to expand its options program from 40 option classes to 60 option classes by adding 20 new option classes.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of this filing (which is deemed a rule change) is to authorize the Exchange to add 20 new option classes as part of the continued orderly expansion of its options program.

The proposal to increase the number of option classes available for trading on the Amex relates to the Amex's capacity to carry out the purposes of the Act and to comply and to enforce compliance by its members and persons associated with its members, with the Act and the rules and regulations thereunder.

On December 19, 1974, the Commission declared effective the plan of the Amex to regulate options trading on the Exchange (Ex. Act Release No. 11144). In that release the Commission stated that it had found the plan necessary and appropriate in the public interest and for the protection of investors. Moreover, while the Commission approved the initial listing of 20 option classes, the release stated: "As experience is gained and the system enlarged, the Exchange expects, with Commission authorization, to increase the number of underlying stocks for option trading."

In discussing the orderly expansion of its options program with members and representatives of member organizations (no written comments were received), the Exchange has determined that the addition of 20 new option classes would benefit the Exchange, its members and the investing public, and would not impose any operational burdens on the Exchange, the securities industry or the Options Clearing Corporation.

The Exchange has determined that the increasing of its options program by the addition of 20 new option classes does not impose any burden on competition.

On or before November 7, 1975, or within such longer period (i) as the Commission may designate up to 90 days

of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submission should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before November 3, 1975.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 25, 1975.

[FR Doc. 75-26454 Filed 10-2-75; 8:45 am]

[Rel. No. 34-11683; File No. SR-BSE-75-2]

SELF-REGULATORY ORGANIZATIONS Boston Stock Exchange

In the matter of proposed rule change by Boston Stock Exchange.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on September 17, 1975 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Statement of the Terms of Substance of the Proposed Rule Change Chapter II Section 26 (New):

"No member, member organization, allied member or person associated with a member or member organization shall execute or cause to be executed, or participate in an account for which there is executed, a purchase of any listed security which is reportable in the composite transaction reporting system at successively higher prices, or a sale of any such security at successively lower prices, for the purpose of creating or inducing a false, misleading or artificial appearance of activity in such security, or for the purpose of unduly or improperly influencing the market price of such security or for the purpose of establishing a price which does not reflect the true state of the market in such security."

Section 27 (New):

"No member, member organization, allied member or person associated with a member or member organization shall directly or indirectly participate in or have any interest in the profits of a manipulative operation or knowingly manage or finance a manipulative operation."

For the purpose of this rule:

(a) Any pool, syndicate or joint account organized or used intentionally for the purpose of unfairly influencing the market price of any security eligible for trading on the Exchange by means of options or otherwise and for the purpose of making a profit thereby shall be deemed a manipulative operation.

(b) The soliciting of subscriptions to, or the acceptance of discretionary orders from any such pool, syndicate or joint account shall be deemed to be managing a manipulative operation.

(c) The carrying on margin of a position in such securities or the advancing of credit through loans to such pool, syndicate or joint account shall be deemed to be financing a manipulative operation."

Section 28 (New):

"No member, member organization, allied member or person associated with a member or member organization shall circulate in any manner rumors of a sensational character which he knows or has reasonable grounds for believing are false or misleading or which might reasonably be expected to affect market conditions on the Exchange. Report shall be made promptly to the Exchange of any circumstances which give occasion to believe that any rumor or unsubstantiated information might have been originated or circulated for the purpose of influencing the price of a security eligible for trading on the Exchange."

Section 29 (New):

"An offer to sell coupled with an offer to buy back at the same or an advanced price, or the reverse, is a prearranged trade and is prohibited. This rule applies both to transactions in the unit of trading and in lesser or greater amounts."

Section 30 (New):

"No Specialist may execute a transaction for his own account in a stock in which he is registered that would put into effect any "stop" order he may hold, unless the Specialist guarantees that the stop order will be executed at the same price as the electing sale."

Section 31 (New):

"No member shall offer publicly on the Floor:

- (a) To buy or sell securities "at the close";
- (b) To buy or sell dividends;
- (c) To bet on the course of the market."

Exchange's Statement of Basis and Purpose.—The basis and purpose of the foregoing proposed rule change is as follows:

1. *Procedure of Self-Regulatory Organization.*—Adoption of the six amend-

ments to Chapter II of the Rules of the Exchange was approved by Interim Vote of the Board of Governors on August 22, 1975.

2. *Purpose of the Proposed Rule Change.*—The amendments to the Rules proposed herein are intended to conform the Rules of the Exchange with those of other participants in the consolidated transaction reporting system, as recommended by the Advisory Committee on a Central Market System, with respect to an anti-manipulative rule and certain other more specific prophylactic rules supplementing the general rule.

3. *Basis Under the Act for the Proposed Rule Change.*—The proposed amendments have been submitted pursuant to Section 6(b)(5) of the Securities Exchange Act of 1934 to prevent fraudulent and manipulative acts and practices.

4. *Comments Received From Members, Participants or Others on Proposed Rule Change.*—No comments were solicited or received.

5. *Burden on Competition.*—No burden on competition is perceived by adoption of the proposed amendments. Indeed, they were proposed to conform the Exchange's anti-manipulative rules with those of other participants in the consolidated transaction reporting system.

On or before November 7, 1975, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before November 3, 1975.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 25, 1975.

[FR Doc. 75-26456 Filed 10-2-75; 8:45 am]

[Rel. No. 34-11682; File No. SR-CSE-75-2]

SELF-REGULATORY ORGANIZATIONS

Cincinnati Stock Exchange

In the matter of proposed rule change by the Cincinnati Stock Exchange.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on September 22, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission proposed rule changes as follows:

Statement of the Terms of Substance of the Proposed Rule Change Amendments to Sections 13, 16, 19 and 22, Trading Rules (new language italicized).

Section 13.—(a) No member, and no firm of which he is an officer or a partner and no officer or partner of such firm may make any statement or circulate and disseminate any information concerning any security listed on the Exchange which he knows or has reasonable grounds to believe is false or misleading or would improperly influence the market price of such security.

(b) Members or their employees or employees of the Exchange shall not transmit from the floor of the Exchange the name of the member or firm bidding for, offering, buying or selling securities on the floor of the Exchange.

Section 16.—(a) 1. A "Market Order" is an order to buy or sell a stated number of shares at the most advantageous price obtainable in the market at that particular time.

2. A "Limited order" is an order to buy or sell a stated number of shares at a stated price.

3. A "Stop Order" is a limited order until the limit is reached, when it becomes a market order. No Member or member firm acting as a market maker shall effect a transaction for his own account or for such firm's account that would put into effect any "stop" order which he or his firm may hold, unless the market maker guarantees that the stop order will be executed at the same price as the electing sale.

(b) The offering in a public manner to buy or sell securities "at the close," is forbidden; and offering to bet on the course of the market is likewise forbidden.

Section 19.—(c) No member, and no firm of which he is an officer or a partner and no officer or partner of such firm shall directly or indirectly participate or have any interest in the profits of a manipulative operation or knowingly manage or finance a manipulative operation. For the purposes of this rule—

(a) Any pool, syndicate or joint account organized or used intentionally for the purpose of unfairly influencing the market price of any security listed on the Exchange shall be deemed to be a manipulative operation.

(b) The solicitation of subscriptions to, or the acceptance of discretionary orders from, any such pool, syndicate or joint account shall be deemed to be managing a manipulative operation.

(c) The carrying on margin of a position in such securities or the advancing of credit through loans to any such pool, syndicate or joint account shall be deemed to be financing a manipulative operation.

Section 22.—(a) No member, and no firm of which he is a partner, and no partner of such firm shall execute or cause to be executed on the Exchange the purchase of any security at successively higher prices or the sale of any security at successively lower prices for the purpose of creating or inducing a false, misleading or artificial appearance of activity in such security, or for the purpose of unduly or improperly influencing the market price of such security, or for the purpose of making a price which does not reflect the true state of the market in such security.

(b) No member, and no firm of which he is an officer or a partner and no officer or partner of such firm shall prearrange trades, such as an offer to sell coupled with an offer to buy back at the same or at an advanced price, or the reverse.

Exchange's Statement of Basis and Purpose.—The basis and purpose of the foregoing proposed rule change is as follows:

1. As a participant in the Consolidated Tape System, the Cincinnati Stock Exchange ("CSE") has been asked to comply with the understanding and adoption of anti-manipulative rules set forth by the Commission in its letter of August 2, 1975. The above amendments represent the only portions of the CSE's Rules and Regulations which needed to be changed in order to embody the principles set forth therein.

2. The proposed rule changes have been submitted pursuant to Section 6(b)(5) of the Securities Exchange Act of 1934 to prevent fraudulent and manipulative acts and practices.

3. No comments have as yet been received by the CSE regarding the proposed rule changes.

4. In the opinion of the CSE the proposed rule changes impose no burden on competition.

On or before November 7, 1975, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of

such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before November 3, 1975.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 25, 1975.

[PR Doc. 75-20455 Filed 10-2-75; 8:45 am]

SELF-REGULATORY ORGANIZATIONS

PBW Stock Exchange, Inc.

In the matter of Proposed Rule Change by PBW Stock Exchange, Inc.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on September 22, 1975, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

EXCHANGE'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change, relating to fidelity bond coverage requirements as set forth in Rule 705 of the PBW Stock Exchange, Inc., establishes higher bonding requirements for member organizations which must maintain net capital in excess of \$1,000,000; specifically provides for certain types of coverage; clarifies the minimum requirement for review of coverage; increases the self-insurance limit and requires notification to the Exchange within a specific period if coverage is entirely or partially canceled.

EXCHANGE'S STATEMENT OF THE BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change is to provide for increased safeguards with respect to the financial responsibility and related practices of member organizations of the Exchange. The higher fidelity bond coverage requirement is consistent with the standard established pursuant to Rule 15b10-11 under the Securities Exchange Act of 1934. Additionally, the proposed rule change specifically provides for "on premises" and "in transit" coverage. While such coverage was required in the past, the requirement was not specifically stated in the rule. Further, the proposed rule changes specifically states the minimum review requirement. Such minimum review requirement existed in the past but was not specifically stated in the rule.

The basis under the Act for the proposed rule change is provided for under Section 6(b)(5), which section requires an Exchange to have rules which are designed to protect investors and the public interest. As stated above, such pro-

posed rule change will provide for increased safeguards with respect to the financial responsibility and related practices of member organizations of the Exchange thereby affording increased protection of investors and the public interest.

Comments were not solicited or received from members of participants in this Exchange or others.

In view of the substantial similarity between the proposed rule change and Rule 15b10-11 under the Securities Exchange Act of 1934, it is the opinion of this Exchange that such proposed rule change imposes no burden on competition.

On or before November 7, 1975, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within 30 days of the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 25, 1975.

[FR Doc.75-26453 Filed 10-2-75;8:45 am]

[Rel. No. 8958; 812-3780]

VANGUARD GROUP, INC., ETC.

Filing of Application for Order

SEPTEMBER 25, 1975.

In the matter of The Vanguard Group, Inc., Wellington Fund, Inc., Windsor Fund, Inc., Ivest Fund, Inc., Exeter Fund, Inc., Gemini Fund, Inc., Explorer Fund, Inc., Trustees' Equity Fund, Inc., Wellesley Income Fund, Inc., W. L. Morgan Growth Fund, Inc., Westminster Bond Fund, Inc., Fund for Federal Securities, Inc., Whitehall Money Market Trust, Qualified Dividend Portfolios, Inc., P.O. Box 823, Valley Forge, Pennsylvania 19482, Wellington Management Company, Thorndike, Doran, Paine & Lewis,

Inc., 28 State Street, Boston, Massachusetts 02109.

Notice is hereby given that The Vanguard Group, Inc. ("Vanguard"), Wellington Fund, Inc., Windsor Fund, Inc., Ivest Fund, Inc., Exeter Fund, Inc., Explorer Fund, Inc., Trustees' Equity Fund, Inc., Wellesley Income Fund, Inc., W. L. Morgan Growth Fund, Inc., Westminster Bond Fund, Inc., and Fund for Federal Securities, Inc., all open-end diversified management investment companies, and Gemini Fund, Inc., a closed-end diversified investment company ("Vanguard Funds"), all of which are registered under the Investment Company Act of 1940 ("Act"), Whitehall Money Market Trust ("Whitehall") and Qualified Dividend Portfolio, Inc. ("Qualified"), newly organized open-end diversified management investment companies registered under the Act, and Wellington Management Company ("WMC") and Thorndike, Doran, Paine & Lewis, Inc. ("TDP&L"), companies registered as investment advisers under the Investment Advisers Act of 1940 (all collectively "Applicants") filed an application on March 12, 1975, and amendments thereto on April 15, 1975, June 30, 1975, and September 23, 1975, pursuant to Section 17(b) of the Act and Rule 17d-1 thereunder for an order permitting Applicants to engage in certain transactions. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

On February 18, 1975, the Commission issued an order (Investment Company Act Release No. 8676) on an application filed by Vanguard, Vanguard Funds and WMC to permit, in substance, the partial internationalization of the Vanguard Funds through Vanguard, a corporation owned by the Vanguard Funds which provides them with corporate management and administrative services at cost. Pursuant to this arrangement, each of the Vanguard Funds contributed to the capital of Vanguard in proportion to such fund's relative net assets. Adjustments will be made periodically to maintain proportional ownership by each of the Vanguard Funds. Applicants state that after approval by the shareholders of each Vanguard Fund, Vanguard began its operations on May 1, 1975.

WMC is and will continue to be the "external" investment adviser to each of the Vanguard Funds and the principal underwriter for all of the Vanguard Funds except Exeter Fund, Inc., and Gemini Fund, Inc., which do not continuously offer their shares and have no principal underwriter.

WMC is currently organizing, at its expense, two new investment companies, Whitehall and Qualified, for which WMC will act as investment adviser and principal underwriter. Whitehall's Board of Trustees and Qualified's Board of Directors will be composed of the same persons who serve as directors of the Vanguard Funds, and Whitehall and Qualified will have the same officers as the Vanguard Funds. The Vanguard

Funds' Service Contract makes provision for other registered investment companies to become parties to the agreement and join in the "at cost" arrangements for corporate management and administrative services. The Vanguard Funds propose to permit Whitehall and Qualified to become parties to the agreement. Whitehall and Qualified will participate in the capitalization of Vanguard, which is limited to .05% of the net assets of each party to the agreement.

TDP&L, a wholly-owned subsidiary of WMC, is investment adviser to four other investment companies registered under the Act and to numerous investment counselling account clients. Pursuant to contractual arrangements with those investment companies and clients, WMC and TDP&L are obligated to provide various statistical, record keeping and administrative services. Applicants state that some of the personnel who have been responsible for performing such services for WMC and TDP&L became employees of Vanguard on May 1, 1975.

The Vanguard Funds' Service Contract provides for Vanguard to render services to persons other than the Funds "so long as . . . the services are rendered for compensation and, to the extent achievable, for the purpose of gaining a profit thereon." WMC and TDP&L propose to contract with Vanguard for the latter to perform certain of the services for which WMC and TDP&L are obligated to their clients. For such services, Vanguard will charge WMC and TDP&L an amount equal to at least all actual costs, which include identifiable costs and a proportionate share of Vanguard's fixed costs, incurred in rendering the services. Vanguard asserts that its revenues for such services will amount to approximately 7-8% of its current budget and that no material additional expenditures will be necessary because of the contract nor will performance of the services for WMC and TDP&L impair the work done for the Vanguard Funds. The contract will be terminable by either party by giving 60 days' written notice.

Section 17(a) of the Act, in pertinent part, prohibits an affiliated person of or principal underwriter for a registered investment company, acting as principal, knowingly to sell any security to such registered company, or knowingly to purchase from such registered investment company any security. Section 17(b) of the Act provides, however, that the Commission, upon application, may exempt a transaction from the provisions of Section 17(a) if evidence establishes that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act.

Vanguard is an affiliated person of several of the Vanguard Funds which will

own more than 5% of its voting securities. Further, since there are common directors and Vanguard Funds, Whitehall and Qualified will own all of Vanguard's voting securities, Vanguard may be deemed to be directly or indirectly controlled by, or under common control with, one or more of the Vanguard Funds, Whitehall and Qualified; and therefore Vanguard may be deemed to be an affiliated person of each of them and they may be deemed to be affiliated persons of each other. Thus, Applicants state the proposed purchases and sales of Vanguard shares by Whitehall and Qualified among Vanguard, Vanguard Funds, Whitehall and Qualified may be deemed subject to the provisions of Section 17(a).

Section 17(d) of the Act and Rule 17d-1 thereunder, in pertinent parts, prohibit an affiliated person of a registered investment company, or an affiliated person of such a person, acting as principal, to participate in, or effect any transaction in connection with any joint enterprise or arrangement in which any such registered investment company or a company controlled by such registered company is a participant with the affiliated person unless an application regarding such transaction is filed and an order is granted permitting such joint enterprise or arrangement prior to its submission to security holders for approval; and provide that, in passing upon such application the Commission will consider whether the participation of such registered or controlled company in such arrangement is consistent with the provisions, policies and purposes of the Act, and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

WMC is an affiliated person of each of the Vanguard Funds and TDP&L is an affiliated person of WMC and thus an affiliated person of an affiliated person of each of the Vanguard Funds. Thus, Applicants state that Vanguard, Vanguard Funds, Whitehall and Qualified may be deemed to be engaged in such a joint transaction and prohibited from having Whitehall and Qualified join the Vanguard Fund Group unless the Commission issues an order allowing the implementation of such proposal; and that Vanguard, WMC and TDP&L may be deemed to be engaged in such a joint transaction and prohibited from having WMC and TDP&L contract with Vanguard for services unless the Commission issues an order allowing the implementation of such proposal.

Applicants, therefore, request an order pursuant to Section 17(b) of the Act and Rule 17d-1 thereunder (1) exempting from Section 17(a) of the Act the transaction whereby Vanguard will issue and Whitehall and Qualified will purchase securities of Vanguard as described above; (2) exempting from Section 17(a) of the Act the transaction whereby each of the Vanguard Funds, Whitehall and Qualified periodically may

purchase and sell securities of Vanguard among themselves to maintain ownership of Vanguard proportional to their assets; (3) permitting Vanguard, Vanguard Funds, Whitehall and Qualified to enter into and implement the proposed joint transaction whereby Whitehall and Qualified join the Vanguard Fund Group described herein; and (4) permitting Vanguard, WMC and TDP&L to enter into and implement the proposed joint transaction whereby WMC and TDP&L contract with Vanguard to perform certain services for them described herein.

Applicants represent that all the proposed arrangements and transactions described in the application comport with the applicable statutory standards.

Vanguard Funds, Whitehall and Qualified state that the internalization of the management of their corporate administrative affairs through Vanguard, will achieve increased independence from and an increased ability to monitor and evaluate the performance of any external investment adviser or distributor, thereby increasing their ability to obtain the best investment advisory, distribution, and administrative services at a reasonable cost. They further state that the arrangement will increase their bargaining in obtaining advisory and underwriting services and reduce the expenses both immediately and in the long run by having corporate administrative services performed at cost. Vanguard Funds and Vanguard state that the addition of Whitehall and Qualified to The Vanguard Fund Group arrangements will produce additional benefits to the Vanguard Funds because of the ability to spread Vanguard's fixed costs of operation over a larger asset base, producing economies of scale. Vanguard asserts it has the capability to provide services to Whitehall and Qualified without impairing the quality of service to others.

The application states that the proposed contribution to the capitalization of Vanguard by Whitehall and Qualified is reasonable in view of the anticipated working capital needs of Vanguard and the *de minimis* portion of their assets to be invested, and fair since each investment company will contribute capital in proportion to its current net assets with the capital contributions being adjusted periodically so that no investment company will have a disproportionate investment. Applicants further note that the proposed Vanguard arrangement will have been submitted for approval by shareholders of each of the Vanguard Funds. They state that the essential purposes of the proposal are consistent with the provisions, policies and purposes of the Act.

Applicants represent that Vanguard's Board of Directors reviewed the proposed contract with WMC and TDP&L and unanimously approved it (10 of 11 directors being present). Applicants further state that by rendering certain services to WMC and TDP&L for compensation, the expenses of each of the Vanguard Funds will be reduced. The arrangement with WMC and TDP&L will spread Van-

guard's fixed costs of operation over a larger asset base, while not requiring any material additional expenditures by Vanguard. Over the longer term, Vanguard states that benefits may also arise from the broadening of the operational expertise and experience of the Vanguard staff. Finally, Applicants state that they would utilize the same approach for framing a pricing structure for any other company to be served by Vanguard.

Notice is further given that any interested person may, not later than October 21, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the addresses stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 75-26452 Filed 10-2-75; 8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 05/05-5108]

PAULUCCI VENTURE CAPITAL CORP.

Issuance of a License To Operate as a Small Business Investment Company

On July 23, 1975, a notice was published in the FEDERAL REGISTER (40 FR 30888) stating that Paulucci Venture Capital Corp. located at 525 Lake Avenue, South Duluth, Minnesota 55802, had filed an application with the Small Business Administration pursuant to 13 CFR 107.102 (1975) for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended.

The period for comment expired on August 6, 1975, and no comments were received.

Notice is hereby given that having considered the application and other pertinent information, SBA has issued Li-

license No. 05/05-5108 to Paulucci Venture Capital Corporation.

Dated: September 23, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator
for Investment.

[FR Doc.75-26518 Filed 10-2-75;8:45 am]

[License No. 05/05-5104]

TOWER VENTURES INC.

Issuance of a License To Operate as a
Small Business Investment Company

On May 5, 1975, a notice was published in the FEDERAL REGISTER (40 FR 19547) stating that Tower Ventures Incorporated located at Sears Tower, 38th Floor, BSC 38-50, Chicago, Illinois 60648, had filed an application with the Small Business Administration pursuant to 13 CFR 107.102 (1975) for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958 as amended.

The period for comment ended on May 19, 1975 and no comments were received.

Notice is hereby given that, having considered the application and other pertinent information, SBA has issued License No. 05/05-5104 to Tower Ventures Incorporated.

Dated: September 23, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator
for Investment.

[FR Doc.75-26519 Filed 10-2-75;8:45 am]

[Declaration of Disaster Loan Area #1178]

COMMONWEALTH OF PUERTO RICO

Declaration of Disaster Area

As a result of the President's declaration, I find that all municipalities within the Commonwealth of Puerto Rico, constitute a disaster area because of damage resulting from high winds, heavy rains and flooding associated with Tropical Storm Eloise, beginning about September 13, 1975. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on November 20, 1975, and for economic injury until the close of business on June 21, 1976, at:

Small Business Administration, District Office, Pan American Building 5th Floor, 255 Ponce De Leon Avenue, Hato Rey, Puerto Rico 00919.

or other locally announced locations.

Dated: September 23, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-26520 Filed 1-2-75;8:45 am]

[Declaration of Disaster Loan Area #1180]

IOWA

Declaration of Disaster Area

Dallas, Polk, Warren, and adjacent counties within the State of Iowa, constitute a disaster area because of damage resulting from high winds, torrential

rain and flooding on August 27 through August 29, 1975. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on November 28, 1975, and for economic injury until the close of business on June 28, 1976, at:

Small Business Administration, District Office, 210 Walnut Street, Des Moines, Iowa 50399.

or other locally announced locations.

Dated: September 26, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-26521 Filed 10-2-75;8:45 am]

[Declaration of Disaster Loan Area #1181]

NEW MEXICO

Declaration of Disaster Area

Sandoval and adjacent counties within the State of New Mexico, constitute a disaster area because of damage resulting from flooding on August 12, 1975. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on November 28, 1975, and for economic injury until the close of business on June 28, 1976, at:

Small Business Administration, District Office, 5000 Marble Avenue, N.E., Patio Plaza Building, Albuquerque, New Mexico 87110.

or other locally announced locations.

Dated: September 26, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-26522 Filed 10-2-75;8:45 am]

[Declaration of Disaster Loan Area #1179]

NEW YORK

Declaration of Disaster Area

Erie and adjacent counties within the State of New York, constitute a disaster area because of damage resulting from heavy rain and flooding, beginning about August 29, 1975. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on November 24, 1975, and for economic injury until the close of business on June 24, 1976, at:

Small Business Administration, District Office, Fayette and Salina Streets, Syracuse, N.Y. 13202.

or other locally announced locations.

Dated: September 24, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-26523 Filed 10-2-75;8:45 am]

DEPARTMENT OF LABOR

Manpower Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Notice of Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees

in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 USC 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75, published January 29, 1975 (40 FR 4393). In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Manpower, 601 D Street, NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 29th day of September, 1975.

BEN BURDETTSKY,
Deputy Assistant
Secretary for Manpower.

Applications received during the week ending September 26, 1975

Name of applicant	Location of enterprise	Principal product or activity
Franklin County Cheese Corp.	Enosburg Falls, Vt.	Manufacturing bakers' cheese and whey products.
Harpers Ferry Caverns, Inc.	Harpers Ferry, W. Va.	Campground—resort.
Madison Packing Co.	Madison County, Tenn.	Custom meat slaughter and processing.
Sawmill Hydraulics, Inc.	Farmington, Ill.	Manufacture of automated sawmill machinery.
Breneman Hardwood Lumber Co., Inc.	Mt. Vernon, Ohio	Lumber mill operation manufacture of hardwood lumber for furniture industry.
Northern Steel Castings, Inc.	Wisconsin Rapids, Wis.	Manufacture carbon and low alloy steel castings.
Roadway Centers Inc.	Effingham, Ill.	Restaurant and general store; fuel and repair and maintenance facilities.
Electric Carrier Corp.	New Braunfels, Tex.	Electric powered industrial recreation and road vehicles.
Advanced Mineral Processing, Inc.	Muskogee, Okla.	Feldspathic glass sand for the glass manufacturing industry.
Cardwell Memorial Hospital, Inc.	Stella, Mo.	Outpatient clinic.
H.P.H. Corp.	Pocahontas, Iowa	Sub-development and construction of residential housing.
Shivvers Enterprises, Inc.	Corydon, Iowa	Manufacture and distribution of grain drying.
Loren G. and Shirley A. Chambers	Eagle, Colo.	Motel.
Ute Mountain Equipment, Inc.	Cortez, Colo.	Sales and service of agricultural equipment.
B. & N. Construction, Inc.	Coeur d'Alene, Idaho	Road construction, road oiling and paving, rock crushing, crushed rock sales, and excavation.

[FR Doc. 75-26525 Filed 10-3-75; 8:45 am]

INTERSTATE COMMERCE COMMISSION

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

SEPTEMBER 30, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination Rules* (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before October 14, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 1380 (Sub-No. E3) (Correction), filed May 13, 1974, published in the *FEDERAL REGISTER*, September 3, 1975. Applicant: COLONIAL MOTOR FREIGHT LINE, INC., P.O. Box 5468, High Point, N.C. 27262. Applicant's representative: Max H. Towery (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lad-

ing); (2) between points in that part of Tennessee within 150 miles of Charlotte, N.C., south of U.S. Highway 421 and on and north of a line beginning at the Tennessee-North Carolina State line extending along U.S. Highway 23 to junction Tennessee Highway 107, thence along Tennessee Highway 107 to junction U.S. Highway 11E, thence along U.S. Highway 11E to the boundary line of points within 150 miles of Charlotte, N.C., on the one hand, and, on the other, . . . (5) between points in that part of Virginia on and bounded by a line beginning at the Virginia-North Carolina State line extending along U.S. Highway 29 to Danville, thence along U.S. Highway 360 to Richmond, thence along U.S. Highway 250, . . . (7) between points in that part of Virginia on and south of a line beginning at the North Carolina-Virginia State line extending along U.S. Highway 21 to junction U.S. Highway 11, thence along U.S. Highway 11 to the Tennessee-Virginia state line, on the one hand, and, on the other . . .

(8) Between points in that part of Virginia east of a line beginning at the North Carolina-Virginia State line, thence along U.S. Highway 17 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Atlantic Ocean and points on U.S. Highway 60 between Norfolk and Williamsburg, Va., including Williamsburg, on the one hand, and, on the other, points in that part of North Carolina which are within 150 miles of Charlotte, N.C., and on and west of a line, . . . (9) . . . on the one hand, and, on the other, points in that part of North Carolina which are within 150 miles of Charlotte, N.C., and west of a line beginning at the North Carolina-South Carolina State line extending along North Carolina Highway 18 to junction North Carolina Highway 10, thence along North Carolina Highway 10 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction U.S. Highway 321, thence along U.S. Highway 321 to junction U.S. Highway 221, thence

along U.S. Highway 221 to the North Carolina State line; (10) . . . on the one hand, and, on the other, points in that part of North Carolina within 150 miles of Charlotte, N.C., and west of a line beginning at the North Carolina-South Carolina State line extending along North Carolina Highway 18 to junction North Carolina Highway 10, thence along North Carolina Highway 10 to junction U.S. Highway 127, thence along Highway 127 to junction U.S. Highway 321, thence along U.S. Highway 321 to junction U.S. Highway 221, thence along U.S. Highway 221 to the North Carolina-Virginia State line; (11) . . . on the one hand, and, on the other, points in that part of North Carolina within 150 miles of Charlotte, N.C., and on and west of U.S. Highway 15; (13) between Augusta, Ga., on the one hand, and, on the other, points in that part of Virginia south and east of a line beginning at Cape Henry, Va., extending along U.S. Highway 60 to Richmond, thence along U.S. Highway 250 to Staunton, thence along U.S. Highway 11 to the Tennessee-Virginia State line. The purpose of this filing is to eliminate the gateway of Charlotte, N.C. The purpose of this partial correction is to correct various errors and to add part (13) which was inadvertently unpublished. The remainder of this letter-notice remains as previously published.

No. MC 1936 (Sub-No. E3) (Correction), filed May 25, 1974, published in the *FEDERAL REGISTER* August 12, 1975. Applicant: B & P MOTOR EXPRESS, INC., 720 Gross Street, Pittsburgh, Pa. 15224. Applicant's representative: William J. Cavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Commodities, the transportation of which because of their size or weight, requires the use of special equipment; (3)(a) between points in Brooke, Hancock, and Ohio Counties, W. Va., on the one hand, and, on the other, points in Indiana on, north, and west of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 36 to junction Interstate Highway 65, thence along Interstate Highway 65 to the Indiana-Kentucky State line; . . . The purpose of this filing is to eliminate the gateways of points in Cuyahoga, Lake, Lorain, or Medina Counties, Ohio. The purpose of this partial correction is to correct the highway description. The remainder of this letter-notice remains as previously published.

No. MC 4405 (Sub-No. E17) (Correction), filed July 13, 1974, published in the *FEDERAL REGISTER* July 8, 1975. Applicant: DEALERS TRANSIT, INC., P.O. Box 361, Lansing, Ill. 60438. Applicant's representative: Robert E. Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Commodities which because of size or weight, require the use of special equipment, and self-propelled articles, each weighing 15,000 pounds or more, and related ma-

chinery, tools, parts, and supplies moving in connection therewith, between points in Kansas, Missouri, Oklahoma, and East St. Louis, Ill., on the one hand, and, on the other, points in New Mexico, restricted against the transportation of the above commodities between those points in Cimarron County, Okla., on, west, and north of a line beginning at the Oklahoma-Colorado State line and extending along U.S. Highway 385 to junction U.S. Highway 56, thence along U.S. Highway 56 to the Oklahoma-New Mexico State line, on the one hand, and, on the other, those points in Union County, N. Mex., on and north of U.S. Highway 64. The purpose of this filing is to eliminate the gateway of points in Oklahoma and Texas. The purpose of this correction is to add the restriction.

No. MC 4405 (Sub-No. E18) (Correction), filed July 13, 1974, published in the FEDERAL REGISTER July 8, 1975. Applicant: DEALERS TRANSIT, INC., P.O. Box 361, Lansing, Ill. 60438. Applicant's representative: Robert E. Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of size or weight, require the use of special equipment and *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith; (1) between points in the Lower Peninsula of Michigan on, north, or east of a line beginning at the Indiana-Michigan State line and extending along U.S. Highway 131 to junction Interstate Highway 96 to Lake Michigan, on the one hand, and, on the other, points in Missouri in and south of Pike, Audrain, Randolph, Charlton, Livingston, Davies, DeKalb, Andrew, and Holt Counties; and (2) between East St. Louis, Ill., on the one hand, and, on the other, points in Missouri. The purpose of this filing is to eliminate the gateways of St. Louis, Mo., and East St. Louis, Ill. The purpose of this correction is to include (2) above.

No. MC 8973 (Sub-No. E67), filed May 16, 1974. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th St., N. Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Building materials* (except those of unusual value, household goods, as defined by the Commission, classes A and B explosives, commodities in bulk, and those requiring special equipment), (1) from points in Morris County, N.J., to points in Maine, those in New Hampshire on, north and east of a line beginning at the Vermont-New Hampshire State line extending along New Hampshire Highway 116 to junction unnumbered highway near Benton, thence along unnumbered highway to junction New Hampshire Highway 25 at Glenciff, thence along New Hampshire Highway 25 to junction New Hampshire Highway 3A, thence along New Hampshire Highway

way 3A to junction New Hampshire Highway 127, thence along New Hampshire Highway 127 to junction New Hampshire Highway 103, thence along New Hampshire Highway 103 to junction New Hampshire Highway 13, thence along New Hampshire Highway 13 to junction New Hampshire Highway 114, thence along New Hampshire Highway 114 to junction New Hampshire Highway 28, thence along New Hampshire Highway 28 to the New Hampshire-Massachusetts State line, those in Vermont on, east and north of a line beginning at the United States-Canada International Boundary line extending along Vermont Highway 114 to junction unnumbered highway near East Burke.

Thence along unnumbered highway to junction unnumbered highway near Granby, thence along unnumbered highway to junction Vermont Highway 102, thence along Vermont Highway 102 to junction U.S. Highway 2, thence along U.S. Highway 2 to the Vermont-New Hampshire State line, those in Massachusetts on, north and east of a line beginning at Massachusetts Bay extending along unnumbered highway to junction Massachusetts Highway 129 at Wakefield, thence along Massachusetts Highway 129 to junction Massachusetts Highway 28, thence along Massachusetts Highway 28 to the Massachusetts-New Hampshire State line, and those in Massachusetts on, north and east of a line beginning at the New York-Pennsylvania State line extending along unnumbered highway to junction New York Highway 382, thence along New York Highway 382 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 241, thence along New York Highway 241 to junction New York Highway 83, thence along New York Highway 83 to junction unnumbered highway at Balcony, thence along unnumbered highway to junction New York Highway 428, thence along New York Highway 428 to the Lake Erie, and those in Ohio on and west of a line beginning at the Ohio-West Virginia State line extending along Ohio Highway 800 to junction unnumbered highway, thence along unnumbered highway to junction unnumbered highway at Fairville, thence along unnumbered highway to junction unnumbered highway near Londenberry, thence along unnumbered highway to junction Ohio Highway 258, thence along Ohio Highway 258 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction Ohio Highway 800, thence along Ohio Highway 800 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Ohio Highway 91, thence along Ohio Highway 91 to junction Ohio Highway 82, thence along Ohio Highway 82 to junction Ohio Highway 306, thence along Ohio Highway 306 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction Ohio Highway 44, thence along Ohio Highway 44 to junction U.S.

Highway 6, thence along U.S. Highway 6 to junction Ohio Highway 166, thence along Ohio Highway 166 to junction Ohio Highway 528, thence along Ohio Highway 528 to Lake Erie, and Erie, Pa.

(2) From those points in Morris County, N.J., on and south of a line beginning at the Morris-Sussex County line extending along New Jersey Highway 15 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Morris-Essex County line, to points in New Hampshire; (3) from those points in Morris County, N.J., south of New Jersey Highway 10, to points in Vermont; (4) from those points in Morris County, N.J., on and south of a line beginning at the Sussex-Morris County line extending along Interstate Highway 80 to junction New Jersey Highway 10, thence along New Jersey Highway 10 to the Morris-Essex County line, to points in Vermont; (5) from Netcong, Mount Olive, and Washington (Morris County), N.J., to points in Ohio, and (6) from those points in Morris County, N.J., north and east of a line beginning at the Morris-Union County line extending along the Chatham-Harding town line to the Madison-Morris town line, thence to the Morris-Florham town line, thence to the Hanover-East Hanover town line, thence to the Hanover-Troy Hills town line, to junction New Jersey Highway 511, thence along New Jersey 511 to junction U.S. Highway 46, thence along U.S. Highway 46 to the Mountain Lakes-Troy Hills town line, to the Boonton-Montville town line, thence to Kennelton Road, thence to the Butler-Kennelton town line, thence to the Passaic-Morris County line, to points in Delaware. The purpose of this filing is to eliminate the gateway of the warehouse and plantsite facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E69), filed May 16, 1974. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th St., N. Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Building materials* (except those of unusual value, household goods, as defined by the Commission, Classes A and B explosives, commodities in bulk, and those requiring special equipment), (1) from points in Middlesex County, N.J., to points in Ohio, Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, those in Connecticut on, north and east of a line beginning at the Connecticut Highway 72 to junction Interstate Highway 4 to junction Interstate Highway 84, thence along Interstate Highway 84 to junction Connecticut Highway 72, thence along Connecticut Highway 72 to junction Interstate Highway 91, thence along Interstate Highway 91 to junction Connecticut Highway 9, thence along Connecticut Highway 9 to junction Interstate Highway 95, thence along Interstate Highway 95 to Long Island Sound, those in Virginia on and south of a line beginning at the Virginia-West Virginia State line

extending along Virginia Highway 259 to junction Interstate Highway 81, thence along Interstate Highway 81 to junction U.S. Highway 211, thence along U.S. Highway 211 to junction U.S. Highway 340, thence along U.S. Highway 340 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction Virginia Highway 810, thence along Virginia Highway 810 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction Virginia Highway 22.

Thence along Virginia Highway 22 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction Virginia Highway 22, thence along Virginia Highway 618 to junction Virginia Highway 715, thence along Virginia Highway 715 to junction Virginia Highway 684, thence along Virginia Highway 684 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction Virginia Highway 207, thence along Virginia Highway 207 to junction U.S. Highway 301, thence along U.S. Highway 301 to junction Virginia Highway 205, thence along Virginia Highway 205 to the Potomac River, those in Pennsylvania north and west of a line beginning at the New York-Pennsylvania State line extending along Pennsylvania Highway 14 to junction unnumbered highway at Fassett, thence along unnumbered highway to junction unnumbered highway near Mosherville, thence along unnumbered highway to junction unnumbered highway, thence along unnumbered highway to junction Pennsylvania Highway 549, thence along Pennsylvania Highway 549 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction Pennsylvania Highway 414, thence along Pennsylvania Highway 414 to junction unnumbered highway at Slate Run, thence along unnumbered highway to junction Pennsylvania Highway 44, thence along Pennsylvania Highway 44 to junction unnumbered highway, thence along unnumbered highway to junction Pennsylvania Highway 144 at Germania, thence along Pennsylvania Highway 144 to junction Pennsylvania Highway 53, thence along Pennsylvania Highway 53 to junction Pennsylvania Highway 350, thence along Pennsylvania Highway 350 to junction U.S. Highway 220.

Thence along U.S. Highway 220 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 422, thence along U.S. Highway 422 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Pennsylvania Highway 819, thence along Pennsylvania Highway 819 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Pennsylvania Highway 51, thence along Pennsylvania Highway 51 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Pennsylvania Highway 381, thence along Pennsylvania Highway 381 to the Pennsylvania-West Virginia State line, and those in New York on, north and west of a line beginning at the New York-Pennsylvania State line extending along unnumbered highway to junction New York Highway

8 at Stileville to junction unnumbered highway, thence along unnumbered highway to junction New York Highway 8, thence along New York Highway 8 to junction New York Highway 7, thence along New York Highway 7 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 67, thence along New York Highway 67 to junction New York Highway 50, thence along New York Highway 50 to junction New York Highway 29, thence along New York Highway 29 to junction unnumbered highway near Middle Falls, thence along unnumbered highway to the New York-Vermont State line; and (2) from those points in Middlesex County, N.J., north of a line beginning at the Middlesex-Somerset County line extending along the North Brunswick-South Brunswick town line to the East Brunswick-South Brunswick town line, thence to Helmeta Boulevard, thence to the East Brunswick-Helmeta town line, thence to the Spotswood-Monroe town line, thence to Greystone Road, thence to Pleasant-Valley Road, thence to junction New Jersey Highway 18, thence along New Jersey Highway 18 to the Somerset-Monmouth County line, to points in Virginia. The purpose of this filing is to eliminate the gateway of the warehouse and plant site facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 29886 (Sub-No. E18) (Correction), filed May 23, 1974, published in the FEDERAL REGISTER. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wheeled tractors* (other than truck tractors), with or without attachments, and *crawler tractors*, set up, with loading and grading attachments; (1) from those points in Iowa on and north of Interstate Highway 80 to those points in Florida south and east of a line beginning at the Florida-Georgia State line and extending along Interstate Highway 75 to junction Florida Highway 24, thence along Florida Highway 24 to the Gulf of Mexico (those points in Michigan on and south of a line extending . . . The purpose of this filing is to eliminate the gateways indicated by asterisks. The purpose of this partial correction is to delete the Iowa points. The remainder of this letter-notice remains as previously published.

No. MC 29886 (Sub-No. E23) (Correction), filed May 23, 1974, published in the FEDERAL REGISTER August 25, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (3) *New automobiles and new trucks* (except passenger automobiles), in secondary movements, in driveway service, from South Bend, Ind., to points in Montana, Nevada, Washington, Oregon, Utah, and those in

Idaho in and west of Lehmi, Custer, Boise, Elmore, Camas, Gooding, and Twin Falls Counties. The purpose of this filing is to eliminate the gateway of Toledo, Ohio. The purpose of this partial correction is to correct the destination points. The remainder of this letter-notice remains as previously published.

No. MC 29886 (Sub-No. E36) (Correction), filed May 10, 1974, published in the FEDERAL REGISTER March 20, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require the use of special equipment or special handling, and *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith; (2) between points in Iowa, on the one hand, and, on the other, points in Ohio (except those in Mercer, Auglaize, Shelby, Darke, Miami, Champaign, Clark, Montgomery, Preble, Greene, Fayette, Clinton, Warren, Butler, Hamilton, Clermont, Highland, Brown, and Adams Counties, Ohio, and those in Porter, La Porte, Starke, St. Joseph, Marshall, Elkhart, Kosciusko, LaGrange, Noble, Whitley, Steuben, DeKalb, and Allen Counties, Ind.). The purpose of this filing is to eliminate the gateway of those points in Michigan on, south, and west of a line beginning at Lake Michigan and extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., to junction Business Interstate Highway 96, thence along Business Interstate Highway 96 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Michigan-Ohio State line. The purpose of this partial correction is to correct the territorial description. The remainder of this letter-notice remains as previously published.

No. MC 29886 (Sub-No. E43) (Correction), filed May 31, 1974, published in the FEDERAL REGISTER April 3, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steam shovels, cranes, crawler-type shovels and cranes, straddle trucks, fork trucks, and self-propelled building, construction, and moving machinery*, which require special equipment and handling because of their size and weight, and *self-propelled steam shovels, cranes, crawler-type shovels and cranes, straddle trucks, fork trucks, and self-propelled building, construction, and moving machinery*, each weighing 15,000 pounds or more; (1) from points in New York, . . . The purpose of this filing is to eliminate the gateways indicated by asterisks. The purpose of this partial correction is to correct the commodity description above. The remainder of this letter-notice remains as previously published.

No. MC 29886 (Sub-No. E52) (Correction), filed May 31, 1974, published in the FEDERAL REGISTER March 25, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Tractors*, other than truck tractors, from those points in Pennsylvania on, north, and west of a line beginning at the Pennsylvania-Ohio State line and extending along Interstate Highway 80 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-New York State line to points in Washington, Idaho, Oregon, California, Wyoming, Nevada, Utah, Arizona, New Mexico, Vermont, Maine, New Hampshire, Massachusetts, those in Montana on and west of U.S. Highway 89, and those in Colorado on and west of a line beginning at the Colorado-Nebraska State line and extending along Colorado Highway 71 to junction U.S. Highway 350, thence along U.S. Highway 350 to junction Interstate Highway 25, thence along Interstate Highway 25 to the Colorado-New Mexico State line. The purpose of this filing is to eliminate the gateway of Batavia, N.Y. The purpose of this correction is to correct the destination points.

No. MC 29886 (Sub-No. E62) (Correction), filed May 16, 1974, published in the FEDERAL REGISTER April 16, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Contractors' equipment* (the transportation of which because of size or weight require the use of special equipment); (6) between points in Wisconsin, on the one hand, and, on the other, those points in Michigan on and south of a line beginning at Lake Michigan and extending along Interstate Highway 96 to junction Michigan Highway 21, thence along Michigan Highway 21 to Lake Huron; and *contractors' equipment*, between points in Wisconsin, on the one hand, and, on the other, points in Ohio; and *contractors' equipment*, between points in New Jersey, on the one hand, and, on the other, points in New York, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, and Maine. The purpose of this filing is to eliminate the gateways of those points in Michigan on, south, and west of a line beginning at Lake Michigan and extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., to junction Business Interstate Highway 96, thence along Business Interstate Highway 96 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Michigan-Ohio State line. The purpose of this partial correction is to correct the commodity description. The remainder of this letter-notice remains as previously published.

No. MC 29886 (Sub-No. E63) (Correction), filed May 16, 1974, published in the FEDERAL REGISTER April 21, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Contractors' equipment*, the transportation of which because of size or weight, require the use of special equipment or special handling; (1) between points in . . . ; (2) between points in Iowa . . . ; (3) between points in . . . ; and (4) between points in Iowa . . . and *Contractors' equipment*, between points in Pennsylvania on and west of U.S. Highway 219, on the one hand, and, on the other, points in Vermont, Maine, New Hampshire, and those in New York east of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 15 to junction U.S. Highway 20, thence along U.S. Highway 20 to the New York-Massachusetts State line (those points in New York on and west of a line beginning at Rochester, N.Y., and extending along U.S. Highway 15 to junction New York Highway 245, thence along New York Highway 245 to junction New York Highway 39, thence along New York Highway 39 to junction U.S. Highway 219, thence along U.S. Highway 219 to the New York-Pennsylvania State line)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this partial correction is to correct the commodity description above. The remainder of this letter-notice remains as previously published.

No. MC 29886 (Sub-No. E65) (Correction), filed May 16, 1974, published in the FEDERAL REGISTER August 25, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample Street, South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Road construction and earth moving machines and equipment* (except trailers designed to be drawn by a truck tractor); (1) from points in Iowa to points in Delaware, Maryland, West Virginia, Virginia, North Carolina, South Carolina, and those in Florida on and east of U.S. Highway 319 and the District of Columbia. The purpose of this filing is to eliminate the gateways of those points in Michigan on, south, and west of a line beginning at Lake Michigan and extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., to junction Business Interstate Highway 96, thence along Business Interstate Highway 96 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Michigan-Ohio State line and South Bend, Ind. The purpose of this partial correction is to correct the destination territory. The remainder of this letter-notice remains as previously published.

No. MC 29886 (Sub-No. E70) (Correction), filed May 16, 1974, published in the FEDERAL REGISTER March 24, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Steam shovels, cranes, crawler-type shovels and cranes, straddle trucks, fork trucks, and self-propelled building construction and moving machinery*; (3) . . . thence along Interstate Highway 75 to Lake Huron to points in Tennessee, Georgia, South Carolina, and those in Kentucky on and west of U.S. Highway 421. The purpose of this filing is to eliminate the gateway of Benton Harbor, Mich. The purpose of this partial correction is to correct the territorial description. The remainder of this letter-notice remains as previously published.

No. MC 29886 (Sub-No. E72) (Correction), filed May 23, 1974, published in the FEDERAL REGISTER July 2, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dump bodies*, from those points in Ohio on and north of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 30 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction Ohio Highway 4, thence along Ohio Highway 4 to Lake Erie to points in New Jersey, Connecticut, Rhode Island, Massachusetts, Delaware, Vermont, New Hampshire, Maine, Maryland, West Virginia, Virginia, North Carolina, South Carolina, Montana, Georgia, Florida, Alabama, Mississippi, Tennessee, Arkansas, Louisiana, Texas, Oklahoma, Kansas (except those in Nemaha, Jackson, Brown, Atkinson, Doniphan, Jefferson, Leavenworth, Wyandotte, and Johnson Counties), North Dakota, Wyoming, Colorado, New Mexico, Arizona, Utah, those in Nebraska on and west of U.S. Highway 281, South Dakota on and west of U.S. Highway 281, and those in Pennsylvania on and east of Interstate Highway 81. The purpose of this filing is to eliminate the gateway of Marion, Ohio. The purpose of this correction is to correct the territorial description above.

No. MC 29886 (Sub-No. E97) (Correction), filed May 16, 1974, published in the FEDERAL REGISTER June 24, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Contractors' equipment*, the transportation of which because of size or weight requires the use of special equipment; (4) between points in Iowa, on the one hand, and, on the

other, points in Porter, LaPorte, Starke, St. Joseph, Marshall, Elkhart, Kosciusko, Lagrange, Noble, Whitley, Steuben, DeKalb, and Allen Counties, Ind. (those points in Michigan on and south of a line extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., thence along Business Route Interstate Highway 96 to Lansing, thence on and west of a line extending along U.S. Highway 127 to Jackson, thence along unnumbered highway (formerly portion U.S. Highway 127) to junction U.S. Highway 12, near Somerset Center, thence along U.S. Highway 12 to junction U.S. Highway 127, near Somerset, thence along U.S. Highway 127 to the Michigan-Ohio State line); and *Contractors' equipment*, between those points in Ohio in and north of Mercer, Auglaize, Allen, Hancock, Seneca, Huron, Lorain, and Cuyahoga Counties, on the one hand, and, on the other, points in New Jersey, and between those points in Ohio in and north of Hamilton, . . . The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this partial correction is to correct the commodity description above. The remainder of this letter-notice remains as previously published.

No. MC 61231 (Sub-No. E32), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 East 43rd St., Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*; (1) from points in that part of Iowa on, south, and east of a line beginning at the Iowa-Nebraska State line extending along Iowa Highway 175 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Iowa Highway 330, thence along Iowa Highway 330 to Marshalltown, thence along Iowa Highway 14 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Iowa-Missouri State line to points in the Upper Peninsula of Michigan; (2) from points in that part of Iowa bounded by a line beginning at junction Iowa Highway 175 and U.S. Highway 69, thence along U.S. Highway 69 to junction Iowa Highway 3, thence along Iowa Highway 3 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Iowa Highway 175, thence along Iowa Highway 175 to the point of beginning to points in the Upper Peninsula of Michigan (except points in Ontonagon and Gogebic Counties, Mich.); (3) from points in that part of Iowa on and west of a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 169 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Iowa Highway 14, thence along Iowa Highway 14 to junction Iowa Highway 5, thence along Iowa Highway 5

to the Iowa-Missouri State line to points in the Lower Peninsula of Michigan; and (4) from points in that part of Iowa bounded by a line beginning at the Iowa-Missouri State line extending along U.S. Highway 63 to junction Iowa Highway 175, thence along Iowa Highway 175 to junction Iowa Highway 14, thence along Iowa Highway 14 to the Iowa-Missouri State line to the point of beginning to points in that part of Michigan on, north, and east of a line beginning at Lake Michigan, thence along U.S. Highway 10 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Michigan-Ohio State line. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 61231 (Sub-No. E37), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 East 43rd St., Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except cement and commodities in bulk); (1) from points in that part of Iowa on, east, and north of a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 169 to junction Iowa Highway 92, thence along Iowa Highway 92 to junction U.S. Highway 218, thence along U.S. Highway 218 to junction U.S. Highway 34, thence along U.S. Highway 34 to the Iowa-Illinois State line to points in Kansas; (2) from points in Lee County, Iowa, to points in that part of Kansas on and west of a line beginning at the Kansas-Nebraska State line extending along Kansas Highway 99 to junction U.S. Highway 56, thence along U.S. Highway 56 to junction U.S. Highway 59, thence along U.S. Highway 59 to the Kansas-Oklahoma State line; (3) from points in Monroe, Wapello, and Jefferson Counties, Iowa, in that part of Marion, Mahaska, Keokuk, and Washington Counties, Iowa, south of Iowa Highway 92, and in that part of Washington and Henry Counties, Iowa, west of U.S. Highway 218, to points in Kansas (except those points east and north of a line beginning at the Kansas-Nebraska State line, thence along U.S. Highway 75 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Kansas Highway 68, thence along Kansas Highway 68 to the Kansas-Missouri State line; and (4) from points in Appanoose, Davis, and Van Buren Counties, Iowa, to points in that part of Kansas on, west, and north of a line beginning at the Kansas-Nebraska State line extending along U.S. Highway 81 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 281, thence along U.S. Highway 281 to the Kansas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 61231 (Sub-No. E44), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 East 43rd St., Des Moines, Iowa 50317. Applicant's representative:

William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*; (1) from points in North Dakota to points in Kentucky; (2) from points in that part of Iowa on and west of a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 63 to junction Iowa Highway 92, thence along Iowa Highway 92 to junction U.S. Highway 69, thence along U.S. Highway 69 to the Iowa-Missouri State line to points in Kentucky; and (3) from points in Minnesota (except points east of U.S. Highway 63 to points in Kentucky). The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 61231 (Sub-No. E45), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 East 43rd St., Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*; (1) from points in North Dakota and Minnesota, to points in Arkansas; (2) from points in Iowa (except points in Mills, Montgomery, Adams, Union, Fremont, Page, Taylor, Ringgold, Decatur, Wayne, Appanoose, Davis, Van Buren, Lee, Monroe, Wapello, Jefferson, Henry, Des Moines, Keokuk, Washington, Louisa, Iowa, Johnson, Muscatine, Scott, Cedar, Clinton, Benton, Linn, Jones, Jackson, Buchanan, Delaware, Dubuque, Fayette, and Clayton Counties), to points in Arkansas; (3) from points in Mills, Montgomery, Adams, Union, Fremont, Page, Taylor, and Ringgold Counties, Iowa, to points in that part of Arkansas on and south of U.S. Highway 70; and (4) from points in Monroe, Wapello, Jefferson, Keokuk, Washington, Louisa, Muscatine, Iowa, Johnson, Cedar, Scott, Clinton, Benton, Linn, Jones, Jackson, Buchanan, Delaware, Dubuque, Fayette, and Clayton Counties, Iowa, to points in that part of Arkansas on and west of U.S. Highway 65. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 61231 (Sub-No. E46), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 East 43rd St., Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*; (1) from points in North Dakota to points in Ohio; (2) from points in Hennepin, Ramsey, Dakota, and Anoka Counties, Minn., and points in that part of Minnesota on and west of a line beginning at the Minnesota-Iowa State line extending along U.S. Highway 65 to junction Minnesota Highway 65, thence along Minnesota Highway 65 to junction Minnesota Highway 169, thence along Minnesota Highway 169 to junction Minnesota Highway 73, thence along Minnesota Highway 73 to junction U.S. Highway 53, thence along U.S. Highway

53 to the United States-Canada International Boundary line to points in Ohio (except points north and west of a line beginning at the Ohio-Indiana State line extending along U.S. Highway 36 to junction Ohio Highway 4, thence along Ohio Highway 4 to Lake Erie; (3) from points in that part of Iowa in and west of Worth, Cerro Gordo, Franklin, Hardin, Grundy, Tama, Poweshiek, Mahaska, Monroe, Lucas, and Decatur Counties to points in Ohio; (4) from points in Wayne and Appanoose Counties, Iowa, to points in Ohio (except points south and west of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 33 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Ohio-Kentucky State line; (5) from points in Wapello County, Iowa, to points in Ohio (except points west and south of a line beginning at the Ohio-Michigan State line extending along U.S. Highway 23 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction Ohio Highway 13, thence along Ohio Highway 13 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Ohio Highway 60, thence along Ohio Highway 60 to the Ohio-Kentucky State line; and (6) from points in Mitchell, Howard, Floyd, Chickasaw, Butler, Bremer, and Black Hawk Counties, Iowa, to points in that part of Ohio on and south of a line beginning at the Ohio-Indiana State line extending along U.S. Highway 35 to junction U.S. Highway 22, thence along U.S. Highway 22 to the Ohio-West Virginia State line. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 61231 (Sub-No. E47), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 East 43rd St., Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*; (1) from points in Minnesota (except points in Lincoln, Lyon, Pipestone, Murray, Rock, Nobles, Big Stone, Lac Qui Parle, and Yellow Medicine Counties), to points in New Mexico; (2) from points in that part of Iowa on and east of a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 71 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Iowa Highway 25, thence along Iowa Highway 25 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 169, thence along U.S. Highway 169 to the Iowa-Missouri State line to points in New Mexico; and (3) from points in that part of Illinois on and north of a line beginning at the Illinois-Missouri State line extending along U.S. Highway 24 to junction Illinois Highway 99, thence along Illinois Highway 99 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Illinois Highway 121, thence along Illinois Highway 121 to junction Illinois Highway 16; thence along Illinois Highway 16 to junction

U.S. Highway 150, thence along U.S. Highway 150 to the Illinois-Indiana State line to points in New Mexico. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 61231 (Sub-No. E54), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 East 43rd St., Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*; (1) from points in Minnesota to points in Texas; and (2) from points in that part of Iowa, east, and north of a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 59 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Iowa Highway 25, thence along Iowa Highway 25 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Iowa-Missouri State line. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 61231 (Sub-No. E58), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 East 43rd St., Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Building materials*; (1) from points in Jo Daviess, Stephenson, Winnebago, Boone, McHenry, Lake, Carroll, Ogle, DeKalb, Kane, Cook, Whiteside, Lee, LaSalle, Kendall, Grundy, Will, DuPage, and Kankakee Counties, Ill., to points in Nebraska; (2) from points in Peoria, Woodford, Livingston, Iroquois, Tazewell, McLean, Ford, Logan, DeWitt, Piatt, Champaign, Vermillion, Macon, Moultrie, Douglas, Edgar, Coles, Shelby, Cumberland, Clark, Effingham, Jasper, Crawford, Richland, Lawrence, Edwards, and Wabash Counties, Ill., to points in Nebraska (except points in Sarpy, York, Seward, Lancaster, Cass, Otoe, Fillmore, Saline, Johnson, Nemaha, Thayer, Jefferson, Gate, Pawnee, and Richardson Counties); (c) from points in Rock Island, Henry, Bureau, Mercer, Warren, Knox, Stark, Putnam, Marshall, McDonough, Fulton, Schuyler, Mason, Cass, Menard, Scott, Morgan, Sangamon, Greene, Macoupin, Christian, Jersey, Montgomery, Madison, Bond, Fayette, St. Clair, Clinton, Marion, Clay, Monroe, Washington, Jefferson, Wayne, Randolph, Perry, Franklin, Hamilton, White, Jackson, Williamson, Saline, Gallatin, Union, Johnson, Pope, Hardin, Alexander, Pulaski, and Massac Counties, Ill., to points in that part of Nebraska on, north, and west of a line beginning at the Nebraska-Iowa State line extending along U.S. Highway 30 to junction U.S. Highway 81, thence along

U.S. Highway 81 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Nebraska-Wyoming State line; (d) from points in Henderson, Hancock, Adams, Brown, Pike, and Calhoun Counties, Ill., to points in that part of Nebraska on, north, and west of a line beginning at the Nebraska-Iowa State line extending along Nebraska Highway 51 to junction U.S. Highway 275, thence along U.S. Highway 275 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Nebraska Highway 91, thence along Nebraska Highway 91 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction Nebraska Highway 70, thence along Nebraska Highway 70 to the Nebraska-Wyoming State line.

(e) From points in that part of Minnesota on, east, and north of a line beginning at the Minnesota-Iowa State line extending along U.S. Highway 69 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction Minnesota Highway 21, thence along Minnesota Highway 21 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Minnesota Highway 101, thence along Minnesota Highway 101 to junction Minnesota Highway 55, thence along Minnesota Highway 55 to junction Minnesota Highway 15, thence along Minnesota Highway 15 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 71, thence along U.S. Highway 71 to the United States-Canada International Boundary line to points in Nebraska; and (f) from points in that part of Minnesota bounded by a line beginning at the Minnesota-Iowa State line extending along Minnesota Highway 15 to junction Minnesota Highway 55, thence along Minnesota Highway 55 to junction Minnesota Highway 101, thence along Minnesota Highway 101 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Minnesota Highway 21, thence along Minnesota Highway 21 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 69, thence along U.S. Highway 69 to the Minnesota-Iowa State line, thence along the Minnesota-Iowa State line to point of beginning to points in Nebraska (except points located in Knox, Cedar, Dixon, Pierce, Wayne, Dakota, and Thurston Counties); and (2) *Building materials* (except iron and steel articles and commodities in bulk), from points in that part of Illinois on and south of U.S. Highway 36 to points in Nebraska. The purpose of this filing is to eliminate the gateways of (1) Minneapolis, Minn., or Ft. Dodge, Iowa; and (2) Kansas City, Mo.

No. MC 61231 (Sub-No. E62), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 East 43rd St., Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except cement and commodities in bulk); (1) from points

in North Dakota to points in Missouri; (2) (a) from points in Minnesota (except points in Winona, Fillmore, Houston, Pipestone, Murray, Cottonwood, Rock, Nobles, and Lincoln Counties, Minn.), to points in Missouri (except points west of U.S. Highway 71); (b) from points in Winona, Fillmore, and Houston Counties, Minn., to points in Missouri (excluding points east and north of a line beginning at the Missouri-Iowa State line and extending along Missouri Highway 15 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Missouri Highway 94, thence along Missouri Highway 94 to the Missouri-Illinois State line; (c) from points in Pipestone, Murray, Cottonwood, Rock, Nobles, Jackson, and Lincoln Counties, Minn., to points in Missouri (except points north and west of a line beginning at the Iowa-Missouri State line extending along U.S. Highway 69 to Missouri Highway 92, thence along Missouri Highway 92 to the Missouri-Kansas State line.

(3) (a) From points in that part of South Dakota on and north of a line beginning at the South Dakota-Minnesota State line extending along South Dakota Highway 34 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 16, thence along U.S. Highway 16 to the South Dakota-Wyoming State line, to points in Missouri (except those points in Atchison, Modaway, Worth, Holt, Andrew, Gentry, DeKalb, Buchanan, Clinton, Platte, Clay, Jackson, Cass, Bates, Vernon, Barton, Jasper, Newton, and McDonald Counties); and (b) from points in that part of South Dakota bounded by a line beginning at the South Dakota-Minnesota State line extending along U.S. Highway 16 to junction South Dakota Highway 47, thence along South Dakota Highway 47 to junction South Dakota Highway 34, thence along South Dakota Highway 34 to the South Dakota-Minnesota State line, thence along the South Dakota-Minnesota State line to the points of beginning, to points in St. Charles, St. Louis, Jefferson, Ste. Genevieve, Perry, Cape Girardeau, Scott, Mississippi, New Madrid, and Pemiscot Counties, Mo. The purpose of this filing is to eliminate the gateways of (1) and (2) Des Moines, Iowa; and (3) Nassau, Minn., and points within 25 miles of Nassau or Des Moines, Iowa.

No. MC 61231 (Sub-No. E63), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 East 43rd St., Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Building materials* (except cement and commodities in bulk), from points in that part of Minnesota on and east of a line beginning at the Minnesota-Iowa State line extending along Minnesota Highway 15 to junction U.S. Highway 52 and Interstate Highway 94, thence along Interstate Highway 94 to junction U.S. Highway 71, thence along U.S. Highway 71 to the United

States-Canada International Boundary line to points in Kansas. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 61231 (Sub-No. E89), filed May 15, 1974. Applicant: ACE LINES, INC., 1980 Financial Center, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed* (except commodities in bulk), from (1) points within ten miles of Omaha, Nebr., to points in Missouri (except points in Atchison and Holt Counties, Mo., and points in that part of Nodaway County west of U.S. Highway 71) (Omaha, Nebr., and Atlantic, Iowa)*; and (2) from Omaha, Nebr., to that part of Missouri designated in (1) above (Atlantic, Iowa)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 61825 (Sub-No. E450), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between those points in Butler County, Pa., within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in Clinton and Franklin Counties, N.Y. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub-No. E451), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Westmoreland County, Pa., within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in New York (except points in Allegany, Broome, Cattaraugus, Chautauque, Chemung, Chenango, Cortland, Genesee, Livingston, Schuyler, Steuben, Tioga, Tompkins, Wyoming, and Yates Counties). The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub-No. E452), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *New furniture*, from Norfolk, Va., to points in Illinois, Indiana, Iowa, Michigan, Missouri, and Wisconsin and those points in Ohio and West Virginia on, south, and west of a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 60 to junction West Virginia Highway 20, thence along West Virginia Highway 20 to junction

West Virginia Highway 39, thence along West Virginia Highway 39 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction West Virginia Highway 4, thence along West Virginia Highway 4 to junction Interstate Highway 79, thence along Interstate Highway 79 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to junction West Virginia Highway 5, thence along West Virginia Highway 5 to junction West Virginia Highway 14, thence along West Virginia Highway 14 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Ohio Highway 209, thence along Ohio Highway 209 to junction Ohio Highway 658, thence along Ohio Highway 658 to junction Ohio Highway 541, thence along Ohio Highway 541 to junction Ohio Highway 83, thence along Ohio Highway 83 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Ohio Highway 206, thence along U.S. Highway 206 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Ohio Highway 205, thence along Ohio Highway 205 to junction Ohio Highway 3, thence along Ohio Highway 3 to junction Ohio Highway 39, thence along Ohio Highway 39 to junction Ohio Highway 61, thence along Ohio Highway 61 to junction U.S. Highway 224, thence along U.S. Highway 224 to junction Ohio Highway 4, thence along Ohio Highway 4 to junction Ohio Highway 269, thence along Ohio Highway 269 to Lake Erie. The purpose of this filing is to eliminate the gateway of Martinsville, W. Va.

No. MC 61825 (Sub-No. E453), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Virginia on and bounded by a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 1 to junction Virginia Highway 40, thence along Virginia Highway 40 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Virginia Highway 620, thence along Virginia Highway 620 to junction U.S. Highway 258, thence along U.S. Highway 258 to the James River, thence along the James River to the Chesapeake Bay, thence along the Chesapeake Bay to the Atlantic Ocean, thence along the Atlantic Ocean to the Virginia-North Carolina State line, thence along the Virginia-North Carolina State line to point of beginning to points in Illinois, Indiana, Iowa, Michigan, Missouri, and Wisconsin and points in Ohio and West Virginia on, south, and west of a line beginning at the Virginia-West Virginia State line and extending along West Virginia Highway 311 to junction West Virginia Highway 3, thence along West Virginia Highway 3 to junction West Virginia Highway 12, thence along West Virginia Highway 12 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction West

Virginia Highway 20, thence along West Virginia Highway 20 to junction West Virginia Highway 39, thence along West Virginia Highway 39 to junction U.S. Highway 19.

Thence along U.S. Highway 19 to junction West Virginia Highway 4, thence along West Virginia Highway 4 to junction Interstate Highway 79, thence along Interstate Highway 79 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction West Virginia Highway 56, thence along West Virginia Highway 56 to Ravenswood, thence across the Ohio River to junction Ohio Highway 124, thence along Ohio Highway 124 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction Ohio Highway 93, thence along Ohio Highway 93 to junction Ohio Highway 146, thence along Ohio Highway 146 to junction Ohio Highway 586, thence along Ohio Highway 586 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Ohio Highway 100, thence along Ohio Highway 100 to junction Ohio Highway 18, thence along Ohio Highway 18 to junction U.S. Highway 23, thence along U.S. Highway 23, to junction Ohio Highway 420, thence along Ohio Highway 420 to junction Interstate Highway 280, thence along Interstate Highway 280 to the Maumee River, and thence along the Maumee River and the Maumee Bay to the Ohio-Michigan State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E454), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: New furniture, from points in Virginia, on and bounded by a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 29 to junction Virginia Highway 699, thence along Virginia Highway 699 to junction U.S. Highway 501, thence along U.S. Highway 501 to junction Virginia Highway 40, thence along Virginia Highway 40 to junction Virginia Highway 137, thence along Virginia Highway 137 to junction Virginia Highway 46, thence along Virginia Highway 46 to junction U.S. Highway 1, thence along U.S. Highway 1 to the Virginia-North Carolina State line, thence along the Virginia-North Carolina State line to the point of beginning, to points in Illinois, Indiana, Iowa, Michigan, Missouri, and Wisconsin, and those points in Ohio and West Virginia on and west of a line beginning at the Virginia-West Virginia State line extending along U.S. Highway 19 to junction West Virginia Highway 71, thence along West Virginia Highway 71 to junction West Virginia Highway 10, thence along West Virginia

Highway 10 to junction Wyoming-Mercer County line, thence along the Wyoming-Mercer County line to junction Wyoming-Raleigh County line, thence along the Wyoming-Raleigh County line to junction Boone-Raleigh County line, thence along Boone-Raleigh County line to junction Kanawha-Raleigh County line, thence along the Kanawha-Raleigh County line to junction Kanawha-Fayette County line.

Thence along Kanawha-Fayette County line to junction Interstate Highway 77, thence along Interstate Highway 77 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to junction West Virginia Highway 47, thence along West Virginia Highway 47 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction Ohio Highway 821, thence along Ohio Highway 821 to junction Ohio Highway 145, thence along Ohio Highway 145 to junction Ohio Highway 800, thence along Ohio Highway 800 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Ohio Highway 44, thence along Ohio Highway 44 to junction Ohio Highway 88, thence along Ohio Highway 88 to junction Ohio Highway 528, thence along Ohio Highway 528 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Ohio-Pennsylvania State line, thence along the Ohio-Pennsylvania State line to Lake Erie. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E456), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: New furniture, from South Boston, Va., to points in Illinois, Indiana, Iowa, Michigan, Missouri, New York, Ohio, and Wisconsin, and those points in Maryland, New Jersey, Pennsylvania, and West Virginia, on and bounded by a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 220 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Pennsylvania Highway 75, thence along Pennsylvania Highway 75 to junction Pennsylvania Highway 274, thence along Pennsylvania Highway 274 to junction Pennsylvania Highway 34, thence along Pennsylvania Highway 34 to junction U.S. Highway 209, thence along U.S. Highway 209 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction Pennsylvania Highway 222, thence along Pennsylvania Highway 222 to Allentown, Pa., thence to the Lehigh River, thence along the Lehigh River to the Delaware River, thence along the Delaware River to Trenton, N.J., thence along U.S. Highway 206 to the Mercer-Burlington, N.J., County line, thence along the Mercer-Burlington County line to the Monmouth-Burlington County line, thence along the Monmouth-Burlington County

line to the Ocean-Burlington County line, thence along the Ocean-Burlington County line to junction U.S. Highway 9.

Thence along U.S. Highway 9 to Cape May, N.J., thence to the Atlantic Ocean, thence along the Atlantic Coast to the New Jersey-New York State line, thence along the New Jersey-New York State line to the Pennsylvania-New York State line, thence along the Pennsylvania-New York State line to Lake Erie, thence along the shores of Lake Erie to the Pennsylvania-Ohio State line, thence along the Pennsylvania-Ohio State line to the West Virginia-Ohio State line, thence along the West Virginia-Ohio State line to the West Virginia-Kentucky State line, thence along the West Virginia-Kentucky State line to the West Virginia-Virginia State line, thence along the West Virginia-Virginia State line to point of beginning. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E457), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: New furniture, from points in Virginia on and bounded by a line beginning at the North Carolina-Virginia State line and extending along Virginia Highway 8 to junction U.S. Highway 11, thence along U.S. Highway 11 to Roanoke, thence along Virginia Highway 24 to junction Virginia Highway 43, thence along Virginia Highway 43 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction Virginia Highway 41, thence along Virginia Highway 41 to junction Virginia Highway 57, thence along Virginia Highway 57 to the Pittsylvania-Henry County line, thence along the Pittsylvania-Henry County line to the Franklin-Henry County line, thence along the Franklin-Henry County line to the Patrick-Henry County line, thence along the Patrick-Henry County line to the Virginia-North Carolina State line, thence along the Virginia-North Carolina State line to point of beginning to points in Iowa, Missouri, New York, and Wisconsin, and those points in Illinois, Indiana, and Michigan on, west, and north of a line beginning at the Kentucky-Indiana State line and extending along U.S. Highway 231 to junction Indiana Highway 66, thence along Indiana Highway 66 to junction Indiana Highway 161, thence along Indiana Highway 161 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Indiana Highway 61.

Thence along Indiana Highway 61 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Illinois Highway 33, thence along Illinois Highway 33 to junction Illinois Highway 130, thence along Illinois Highway 130 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction Illinois

Highway 394, thence along Illinois Highway 394 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction Interstate Highway 65, thence along Interstate Highway 65 to Gary, Ind., thence to Lake Michigan, thence along the Indiana-Michigan Coast to Benton Harbor, Mich., thence along Interstate Highway 94 Business to junction Interstate Highway 94, thence along Interstate Highway 94 to junction Michigan Highway 40, thence along Michigan Highway 40 to junction Michigan Highway 89, thence along Michigan Highway 89 to junction Michigan Highway 43, thence along Michigan Highway 43 to junction Michigan Highway 66, thence along Michigan Highway 66 to junction Michigan Highway 21, thence along Michigan Highway 21 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Michigan Highway 57, thence along Michigan Highway 57 to junction Michigan Highway 15, thence along Michigan Highway 15 to junction Michigan Highway 90, thence along Michigan Highway 90 to Lexington, Mich., thence to Lake Huron, and points in Pennsylvania on and north of a line beginning at Lake Erie and extending along Pennsylvania Highway 8 to the French Creek, thence along the French Creek to the Pennsylvania-New York State line, thence along the Pennsylvania-New York State line to junction Pennsylvania Highway 187, thence along Pennsylvania Highway 187 to junction Pennsylvania Highway 467, thence along Pennsylvania Highway 467 to junction Pennsylvania Highway 706, thence along Pennsylvania Highway 706 to junction Pennsylvania Highway 167, thence along Pennsylvania Highway 167 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Pennsylvania Highway 106, thence along Pennsylvania Highway 106 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Pennsylvania-New York State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E458), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *New furniture*, from Rocky Mount, Va., to points in Delaware, District of Columbia, Illinois, Indiana, Iowa, Maryland, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, and Wisconsin, and points in West Virginia on and north-west of a line beginning at the Virginia-West Virginia State line and extending along the McDowell-Mercer County line to the Wyoming-Mercer County line, thence along the Wyoming-Mercer County line to the Wyoming-Raleigh County line, thence along the Wyoming-Raleigh County line to the Boone-Raleigh County line, thence along the Boone-Raleigh County line to the Kanawha-Raleigh County line, thence along the Kanawha-Fayette County line, thence along the

Kanawha-Fayette County line to junction Interstate Highway 77, thence along Interstate Highway 77 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction West Virginia Highway 38, thence along West Virginia Highway 38 to junction West Virginia Highway 72, thence along West Virginia Highway 72 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction West Virginia Highway 32, thence along West Virginia Highway 32 to junction West Virginia Highway 93, thence along West Virginia Highway 93 to junction West Virginia Highway 42, thence along West Virginia Highway 42 to junction U.S. Highway 50, and thence along U.S. Highway 50 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E459), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *New furniture*, from Roanoke, Va., to points in Illinois, Indiana, Iowa, Michigan, Missouri, New York, and Wisconsin, and those points in Delaware, New Jersey, Ohio, and Pennsylvania, on and north of a line beginning at the Indiana-Ohio State line and extending along the Ohio River to junction Interstate Highway 75, thence along Interstate Highway 75 to junction Ohio Highway 4, thence along Ohio Highway 4 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Ohio Highway 4, thence along Ohio Highway 4 to junction Ohio Highway 309, thence along Ohio Highway 309 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Ohio Highway 585, thence along Ohio Highway 585 to junction Ohio Highway 21, thence along Ohio Highway 21 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Ohio Highway 91, thence along Ohio Highway 91 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Pennsylvania Highway 8, thence along Pennsylvania Highway 8 to the French Creek, thence along the French Creek to the Pennsylvania-New York State line, thence along the Pennsylvania-New York State line to junction Pennsylvania Highway 187, thence along Pennsylvania Highway 187 to junction Pennsylvania Highway 467.

Thence along Pennsylvania Highway 467 to junction Pennsylvania Highway 706, thence along Pennsylvania Highway 706 to junction Pennsylvania Highway 167, thence along Pennsylvania Highway 167 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Pennsylvania Highway 106, thence along Pennsylvania Highway 106 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction New Jersey Highway 23, thence along New Jersey Highway

23 to junction New Jersey Highway 517, thence along New Jersey Highway 517 to junction New Jersey Highway 15, thence along New Jersey Highway 15 to junction New Jersey Highway 513, thence along New Jersey Highway 513 to junction Pennsylvania Highway 32, thence along Pennsylvania Highway 32 to junction Pennsylvania Highway 611, thence along Pennsylvania Highway 611 to junction Pennsylvania Highway 113, thence along Pennsylvania Highway 113 to junction Pennsylvania Highway 100, thence along Pennsylvania Highway 100 to Wilmington, Del., thence to the Delaware River, thence along the Delaware River to the Delaware Bay, and thence along the Delaware Bay to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E460), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *New furniture*, from New Castle, Va., to points in Iowa, Missouri, and Wisconsin, and those points in Illinois, Indiana, and Michigan on, north, and west of a line beginning at the Kentucky-Indiana State line near Cannelton, Ind., and extending along Indiana Highway 66 to junction Indiana Highway 70, thence along Indiana Highway 70 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Indiana Highway 61, thence along Indiana Highway 61 to junction Indiana Highway 64, thence along Indiana Highway 64 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Illinois Highway 130, thence along Illinois Highway 130 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction Illinois Highway 121, thence along Illinois Highway 121 to junction Illinois Highway 32, thence along Illinois Highway 32 to junction Illinois Highway 105, thence along Illinois Highway 105 to junction Illinois Highway 72, thence along Illinois Highway 72 to junction Illinois Highway 47, thence along Illinois Highway 47 to junction Illinois Highway 54, thence along Illinois Highway 54 to junction Interstate Highway 57, thence along Interstate Highway 57 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Indiana Highway 152, thence along Indiana Highway 152 to Lake Michigan.

Thence along Lake Michigan to South Haven, Mich., thence along unnumbered highway to junction Interstate Highway 196, thence along Interstate Highway 196 to junction Interstate Highway 96,

thence along Interstate Highway 96 to junction Michigan Highway 21, thence along Michigan Highway 21 to junction Michigan Highway 91, thence along Michigan Highway 91 to junction Michigan Highway 57, thence along Michigan Highway 57 to junction Michigan Highway 52, thence along Michigan Highway 52 to junction Michigan Highway 46, thence along Michigan Highway 46 to Port Sanilac, Mich., thence to Lake Huron and points in New Jersey and New York on and northeast of a line beginning at Forest Lawn, N.Y., on Lake Ontario and extending along New York Highway 18 to junction New York Highway 250, thence along New York Highway 250 to junction New York Highway 96, thence along New York Highway 96 to junction New York Highway 332, thence along New York Highway 332 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction New York Highway 38, thence along New York Highway 38 to junction New York Highway 90, thence along New York Highway 90 to junction New York Highway 41, thence along New York Highway 41 to junction New York Highway 206, thence along New York Highway 206 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 17A, thence along New York Highway 17A to junction New York Highway 210, thence along New York Highway 210 to junction New Jersey Highway 511, thence along New Jersey Highway 511 to junction New Jersey Highway 513, thence along New Jersey Highway 513 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction New Jersey Highway 53, thence along New Jersey Highway 53 to junction U.S. Highway 202, thence along U.S. Highway 202 to junction U.S. Highway 206, thence along U.S. Highway 206 to junction New Jersey Highway 54, thence along New Jersey Highway 54 to junction New Jersey Highway 557, thence along New Jersey Highway 557 to junction New Jersey Highway 552, thence along New Jersey Highway 552 to the Atlantic-Cumberland County line, thence along the Atlantic-Cumberland County line to the Cape-May Cumberland County line, thence along the Cape-May Cumberland County line to the Delaware Bay, thence along the Delaware Bay to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E461), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *New furniture*, from Christiansburg, Va., to points in Delaware, Iowa, Missouri, New Jersey, New York, and Wisconsin, and those points in Illinois, Indiana, and Michigan, on, west, and north of a line beginning at the Kentucky-Indiana

State line and extending along U.S. Highway 231 to junction Indiana Highway 66, thence along Indiana Highway 66 to junction Indiana Highway 161, thence along Indiana Highway 161 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Indiana Highway 61, thence along Indiana Highway 61 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Illinois Highway 33, thence along Highway 130, thence along Illinois Highway 130 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Illinois Highway 1, thence Illinois Highway 1 to junction Illinois Highway 394, thence along Illinois Highway 394 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction Interstate Highway 65, thence along Interstate Highway 65 to Gary, Ind., thence to Lake Michigan, thence along the Indiana and Michigan coast to Benton Harbor, Mich., thence along Interstate Highway 94 Business to junction Interstate Highway 94.

Thence along Interstate Highway 94 to junction Michigan Highway 40, thence along Michigan Highway 40 to junction Michigan Highway 89, thence along Michigan Highway 89 to junction Michigan Highway 43, thence along Michigan Highway 43 to junction Michigan Highway 66, thence along Michigan Highway 66 to junction Michigan Highway 21, thence along Michigan Highway 21 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Michigan Highway 57, thence along Michigan Highway 57 to junction Michigan Highway 15, thence along Michigan Highway 15 to junction Michigan Highway 90, thence along Michigan Highway 90 to Lexington, Mich., and, thence to Lake Huron, and points in Maryland and Pennsylvania on, north, and east of a line beginning at Lake Erie, and extending along the Ohio-Pennsylvania State line to junction Pennsylvania Highway 198, thence along Pennsylvania Highway 198 to junction Pennsylvania Highway 98, thence along Pennsylvania Highway 98 to junction Pennsylvania Highway 102, thence along Pennsylvania Highway 102 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 27, thence along Pennsylvania Highway 27 to junction Pennsylvania Highway 36, thence along Pennsylvania Highway 36 to junction Pennsylvania Highway 66, thence along Pennsylvania Highway 66 to junction Pennsylvania Highway 948, thence along Pennsylvania Highway 948 to junction Pennsylvania Highway 120, thence along Pennsylvania Highway 120 to Hyner, Pa., thence along unnumbered highway to junction Pennsylvania Highway 44.

Thence along Pennsylvania Highway 44 to junction Pennsylvania Highway 973, thence along Pennsylvania Highway 973 to junction Pennsylvania Highway 87, thence along Pennsylvania Highway 87 to junction Pennsylvania Highway 864, thence along Pennsylvania Highway 864 to junction U.S. Highway 220,

thence along U.S. Highway 220 to junction Pennsylvania Highway 42, thence along Pennsylvania Highway 42 to junction Pennsylvania Highway 239, thence along Pennsylvania Highway 239 to junction Pennsylvania Highway 93, thence along Pennsylvania Highway 93 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Pennsylvania Highway 9, thence along Pennsylvania Highway 9 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to junction Pennsylvania Highway 10, thence along Pennsylvania Highway 10 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction Maryland Highway 24, thence along Maryland Highway 24 to Edgewood, Md., thence to the Bush River, thence along the Bush River to the Chesapeake Bay, thence along the Chesapeake Bay to the Maryland-Virginia State line, and thence along the Maryland-Virginia State line to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Martinsburg, Va.

No. MC 61825 (Sub-No. E462), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *New furniture*, from Dublin, Va., to points in Delaware, Iowa, and New Jersey, and those points in Illinois, Michigan, Missouri, and Wisconsin, on and northwest of a line beginning at Dorena, Mo., and extending along Missouri Highway 77 to junction Missouri Highway 80, thence along Missouri Highway 80 to junction Missouri Highway 105, thence along Missouri Highway 105 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Missouri Highway 105, thence along Missouri Highway 105 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Missouri Highway 77, thence along Missouri Highway 77 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Illinois Highway 146, thence along Illinois Highway 146 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Illinois Highway 185, thence along Illinois Highway 185 to junction Illinois Highway 127, thence along Illinois Highway 127 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Illinois Highway 108, thence along Illinois Highway 108 to junction Illinois Highway 111, thence along Illinois Highway 111 to junction Illinois Highway 104, thence along Illinois Highway 104 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Illinois Highway 78, thence along Illinois Highway 78 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Wisconsin Highway 15.

Thence along Wisconsin Highway 15 to Milwaukee, Wis., thence to Lake Michi-

gan, thence across Lake Michigan to Ludington, Mich., thence along U.S. Highway 10 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Michigan Highway 55, thence along Michigan Highway 55 to junction Michigan Highway 37, thence along Michigan Highway 37 to junction Michigan Highway 42, thence along Michigan Highway 42 to junction U.S. Highway 131, thence along U.S. Highway 131 to junction Michigan Highway 72, thence along Michigan Highway 72 to Harrisville, Mich., thence to Lake Huron, and those points in Maryland, New York, and Pennsylvania, on and northeast of a line beginning at Dunkirk, N.Y., and extending along New York Highway 60 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 280, thence along New York Highway 280 to junction Pennsylvania Highway 346, thence along Pennsylvania Highway 346 to junction Pennsylvania Highway 321, thence along Pennsylvania Highway 321 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction Pennsylvania Highway 255, thence along Pennsylvania Highway 255 to junction Pennsylvania Highway 153, thence along Pennsylvania Highway 153 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction Pennsylvania Highway 879, thence along Pennsylvania Highway 879 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to junction Pennsylvania Highway 183, thence along Pennsylvania Highway 183 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Pennsylvania Highway 501, thence along Pennsylvania Highway 501 to junction Pennsylvania Highway 272, thence along Pennsylvania Highway 272 to junction Pennsylvania Highway 372, thence along Pennsylvania Highway 372 to junction Pennsylvania Highway 74, thence along Pennsylvania Highway 74 to junction Pennsylvania Highway 425, thence along Pennsylvania Highway 425 to junction Pennsylvania Highway 851, thence along Pennsylvania Highway 851 to junction Interstate Highway 83, thence along Interstate Highway 83 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction Maryland Highway 197, thence along Maryland Highway 197 to junction U.S. Highway 301, thence along U.S. Highway 301 to junction Maryland Highway 4, thence along Maryland Highway 4 to the Patuxent River, thence along the Patuxent River to the Chesapeake Bay, thence along the Chesapeake Bay to the Maryland-Virginia State line, thence along the Maryland-Virginia State line to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E463), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as

a common carrier, by motor vehicle, over irregular routes, transporting: *New furniture*, from Galax, Va., to points in Delaware, District of Columbia, Iowa, Missouri, New Jersey, New York, and Wisconsin, and points in Illinois, Indiana, and Michigan, on, north, and east of a line beginning at the Kentucky-Illinois State line near Old Shawneetown, Ill., and extending along Illinois Highway 13 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction Illinois Highway 130, thence along Illinois Highway 130 to junction Illinois Highway 33, thence along Illinois Highway 33 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Indiana Highway 59, thence along Indiana Highway 59 to junction Indiana Highway 47, thence along Indiana Highway 47 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Indiana Highway 25, thence along Indiana Highway 25 to junction Indiana Highway 19, thence along Indiana Highway 19 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Indiana Highway 13, thence along Indiana Highway 13 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Indiana Highway 9, thence along Indiana Highway 9 to junction Michigan Highway 66, thence along Michigan Highway 66 to junction U.S. Highway 12.

Thence along U.S. Highway 12 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Michigan Highway 60, thence along Michigan Highway 60 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction Michigan Highway 14, thence along Michigan Highway 14 to junction Michigan Highway 153, thence along Michigan Highway 153 to Detroit, Mich., thence to the Detroit River to Lake Saint Clair, and those points in Maryland, Ohio, Pennsylvania, and West Virginia, on, north, and east of a line beginning at Geneva-on-the-Lake, Ohio, and extending along Ohio Highway 534 to junction U.S. Highway 422, thence along U.S. Highway 422 to junction Ohio Highway 45, thence along Ohio Highway 45 to junction Ohio Highway 7, thence along Ohio Highway 7 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 220, thence along U.S. Highway 220 to the West Virginia-Virginia State line, Martinsburg, Va.

No. MC 61825 (Sub-No. E464), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Virginia, on and bounded by a line beginning at the

North Carolina-Virginia State line and extending along Virginia Highway 89 to junction U.S. Highway 221, thence along U.S. Highway 221 to junction Virginia Highway 100, thence along Virginia Highway 100 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Virginia Highway 8, thence along Virginia Highway 8 to the Virginia-North Carolina State line, thence along the Virginia-North Carolina State line to point of beginning to points in Delaware, Iowa, and New Jersey, and those points in Illinois, Michigan, Missouri, and Wisconsin, on and northwest of a line beginning at the Kentucky-Missouri State line extending along Missouri Highway 77 to junction Missouri Highway 80, thence along Missouri Highway 80 to junction Missouri Highway 105, thence along Missouri Highway 105 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Missouri Highway 77, thence along Missouri Highway 77 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Illinois Highway 146, thence along Illinois Highway 146 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Illinois Highway 185, thence along Illinois Highway 185 to junction Illinois Highway 127.

Thence along Illinois Highway 127 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Illinois Highway 108, thence along Illinois Highway 108 to junction Illinois Highway 111, thence along Illinois Highway 111 to junction Illinois Highway 104, thence along Illinois Highway 104 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Illinois Highway 78, thence along Illinois Highway 78 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Wisconsin Highway 15, thence along Wisconsin Highway 15 to Milwaukee, Wis., thence to Lake Michigan, thence across Lake Michigan to Ludington, Mich., thence along U.S. Highway 10 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Michigan Highway 55, thence along Michigan Highway 55 to junction Michigan Highway 37, thence along Michigan Highway 37 to junction Michigan Highway 42, thence along Michigan Highway 42 to junction U.S. Highway 131, thence along U.S. Highway 131 to junction Michigan Highway 72, thence along Michigan Highway 72 to Harrisville, Mich., thence to Lake Huron, and points in Maryland, New York, and Pennsylvania, on and northeast of a line beginning at Dunkirk, N.Y., and extending along New York Highway 60 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 280, thence along New York Highway 280 to junction Pennsylvania Highway 346, thence along Pennsylvania Highway 346 to junction Pennsylvania Highway 321, thence along Pennsylvania Highway 321 to junction U.S. Highway 219, thence

along U.S. Highway 219 to junction Pennsylvania Highway 255.

Thence along Pennsylvania Highway 255 to junction Pennsylvania Highway 120, thence along Pennsylvania Highway 120 to Hyner, Pa., thence along unnumbered highway to junction Pennsylvania Highway 44, thence along Pennsylvania Highway 44 to junction Pennsylvania Highway 973, thence along Pennsylvania Highway 973 to junction Pennsylvania Highway 87, thence along Pennsylvania Highway 87 to junction Pennsylvania Highway 864, thence along Pennsylvania Highway 864 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 42, thence along Pennsylvania Highway 42 to junction Pennsylvania Highway 239, thence along Pennsylvania Highway 239 to junction Pennsylvania Highway 93, thence along Pennsylvania Highway 93 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Pennsylvania Highway 9, thence along Pennsylvania Highway 9 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to junction Pennsylvania Highway 10, thence along Pennsylvania Highway 10 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction Maryland Highway 24, thence along Maryland Highway 24 to Edgewood, Md., thence to the Bush River, thence along the Bush River to the Chesapeake Bay, thence along the Chesapeake Bay to the Maryland-Virginia State line, thence along the Maryland-Virginia State line to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E465), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Virginia, on and bounded by a line beginning at the Tennessee-Virginia State line and extending along U.S. Highway 58 to junction Virginia Highway 71, thence along Virginia Highway 71 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Virginia Highway 606, thence along Virginia Highway 606 to junction Virginia Highway 42, thence along Virginia Highway 42 to junction Virginia Highway 738, thence along Virginia Highway 738 to junction Virginia Highway 100, thence along Virginia Highway 100 to junction U.S. Highway 221, thence along U.S. Highway 221 to junction Virginia Highway 89, thence along Virginia Highway 89 to the Virginia-North Carolina State line, thence along the Virginia-North Carolina State line to the Virginia-Tennessee State line, and thence along the Virginia-Tennessee State line to the point of beginning, to points in Delaware, New Jersey, and the District of Columbia, and those points

in Maryland, New York, and Pennsylvania, on and northeast of a line beginning at Lake Ontario, and extending along New York Highway 98 to junction New York Highway 104, thence along New York Highway 104 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction Interstate Highway 490.

Thence along Interstate Highway 490 to junction New York Highway 96, thence along New York Highway 96 to junction New York Highway 414, thence along New York Highway 414 to junction New York Highway 14, thence along New York Highway 14 to junction Pennsylvania Highway 14, thence along Pennsylvania Highway 14 to junction Pennsylvania Highway 154, thence along Pennsylvania Highway 154 to junction Pennsylvania Highway 87, thence along Pennsylvania Highway 87 to junction Pennsylvania Highway 487, thence along Pennsylvania Highway 487 to junction Pennsylvania Highway 254, thence along Pennsylvania Highway 254 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to junction Pennsylvania Highway 147, thence along Pennsylvania Highway 147 to junction U.S. Highway 209, thence along U.S. Highway 209 to junction Interstate Highway 81, thence along Interstate Highway 81 to junction Pennsylvania Highway 72, thence along Pennsylvania Highway 72 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Interstate Highway 83 Business, thence along Interstate Highway 83 Business to junction Interstate Highway 83, thence along Interstate Highway 83 to junction Interstate Highway 695, thence along Interstate Highway 695 to junction Interstate Highway 95, thence along Interstate Highway 95 to the Potomac River, thence along Interstate Highway 95 to the Potomac River, thence along the Potomac River to the Chesapeake Bay, thence along the Chesapeake Bay to the Maryland-Virginia State line, and thence along the Maryland-Virginia State line to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 67646 (Sub-No. E4), (Correction), filed May 16, 1974, published in the FEDERAL REGISTER August 6, 1975. Applicant: HALL'S MOTOR TRANSIT COMPANY, 6060 Carlisle Pike, Mechanicsburg, Pa. 17055. Applicant's representative: Daniel W. Rohrbaugs (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (2) *General commodities* (except those of unusual value, Classes A and B explosives, sand, gravel, earth, stone, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading, between Baltimore, Md., on the one hand, and, on the other, points in New Jersey and points in Nassau, Suffolk, and Westchester Counties, N.Y. (points in Har-

ford County, Md., and points in Lancaster or Chester County, Pa., or Jersey City, N.J.)*; (5) *General commodities* (except those of unusual value, Classes A and B explosives, sand, gravel, earth, stone, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), between those points in New Jersey on and south of a line beginning at Camden, thence along New Jersey Highway 537 to junction New Jersey Highway 33, thence along New Jersey Highway 33 to junction New Jersey Highway 66, thence along New Jersey Highway 66 to Asbury Park, on the one hand, and, on the other, those points in Pennsylvania which are on, west, and south of a line beginning at Erie, thence along Pennsylvania Highway 8 to junction U.S. Highway 422, thence along U.S. Highway 422 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 522, thence along U.S. Highway 522 to the Pennsylvania-Maryland State line, and Altoona, Pa. (points in Lancaster or Chester County, Pa., Taylor, Md., points within 50 miles of Fairview, Md., and points within 8 miles of Fairview and points within 50 miles of Frederick, Md.)*.

(6) *General commodities* (except those of unusual value, Classes A and B explosives, sand, gravel, earth, stone, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Hudson, Essex, Union, and Middlesex Counties, N.J., and Nassau and Suffolk Counties, N.Y., on the one hand, and, on the other, points in Beaver, Butler, Lawrence, and Mercer Counties, Pa. (points in Lancaster or Chester County, Pa., Taylor, Md., points within 50 miles of Fairview, Md., points within 8 miles of Fairview, Md., and points within 50 miles of Frederick, Md., or Jersey City, N.J.)*; and (7) *General commodities* (except those of unusual value, Classes A and B explosives, sand, gravel, earth, stone, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), from points in Dutchess, Putnam, and Westchester, Nassau, and Suffolk Counties, N.Y., and those points in Ulster, Orange, and Rockland Counties, N.Y., which are on and east of a line beginning at the Green-Ulster County line, thence along Interstate Highway 87 to junction New York Highway 17, thence along New York Highway 17 to the New York-New Jersey State line to points in that part of Pennsylvania south of U.S. Highway 22 and on and east of U.S. Highway 15 from the Maryland-Pennsylvania State line to junction U.S. Highway 22, at or near Harrisburg, Pa. (points in Somerset County, N.J., or Jersey City, N.J. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this partial correction is to correct various errors above. The remainder of this letter-notice remains as previously published.

No. MC 102616 (Sub-No. E352), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petrochemicals*, as defined by the Commission, in bulk, in tank vehicles, from points in Bucks, Philadelphia, Chester, Delaware, and Montgomery Counties, Pa., to points in Illinois, Indiana, Ohio, and points in Michigan on and north of U.S. Highway 12. The purpose of this filing is to eliminate the gateways of Wilmington, Del., Marcus Hook, Pa., and the Allied Chemical Co., plants near Moundsville, W. Va.

No. MC 105045 (Sub-No. E121), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles* each weighing 15,000 pounds or more requiring special vehicular equipment, and related machinery, tools, parts, and supplies moving in connection therewith (except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment, and supplies, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipelines, restricted to commodities which are transported on trailers, between points in Florida, on the one hand, and, on the other, points in Michigan and Ohio. The purpose of this filing is to eliminate the gateway of points in Indiana, Illinois, or Kentucky.

No. MC 105045 (Sub-No. E122), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles* each weighing 15,000 pounds or more requiring special vehicular equipment, and related machinery, tools, parts, and supplies moving in connection therewith (except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and

by-products; machinery, materials, equipment, and supplies, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipelines, restricted to commodities which are transported on trailers, between points in Tennessee, on the one hand, and, on the other, points in Michigan and Ohio. The purpose of this filing is to eliminate the gateway of points in Indiana, Illinois, or Kentucky.

No. MC 105045 (Sub-No. E123), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles* each weighing 15,000 pounds or more requiring special vehicular equipment, and related machinery, tools, parts, and supplies moving in connection therewith (except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment, and supplies, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipelines, restricted to commodities which are transported on trailers, between points in Tennessee on and west of a line beginning at the Virginia-Tennessee State line and extending along U.S. Highway 25E to junction Tennessee Highway 33, thence along Tennessee Highway 33 to junction U.S. Highway 411, thence along U.S. Highway 411 to the Tennessee-Georgia State line, on the one hand, and, on the other, points in West Virginia. The purpose of this filing is to eliminate the gateway of points in Indiana, Illinois, or Kentucky.

No. MC 105045 (Sub-No. E124), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *machinery, materials, supplies, and equipment* incidental to, or used in, the construction, development, operation, maintenance of facilities for the discovery, development, operation, maintenance of facilities for the discovery, development, and production of natural gas and petroleum except the stringing or pick-

ing up of pipe in connection with main or trunk pipelines, between points in Illinois and Indiana, on the one hand, and, on the other, points in Pennsylvania and Virginia. The purpose of this filing is to eliminate gateway of points in either Ohio or West Virginia.

No. MC 105045 (Sub-No. E125), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and fittings*, which because of their size or weight require the use of special equipment (except plastic pipe and fittings used in, or in connection with, the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and except machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipelines), between points in Wisconsin, on the one hand, and, on the other, points in Alabama, Florida, Georgia, Louisiana, and Mississippi. The purpose of this filing is to eliminate the gateway of Evansville, Ind.

No. MC 105045 (Sub-No. E126), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and fittings*, which because of their size or weight require the use of special equipment (except plastic pipe and fittings used in, or in connection with, the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and except machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the

stringing and picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipelines), from points in Wisconsin to points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateway of Evansville, Ind.

No. MC 105045 (Sub-No. E127), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastic pipe and fittings*, which because of their size or weight require the use of special equipment (except plastic pipe and fittings used in, or in connection with, the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and except machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up of pipe, except the stringing and picking up of pipe in connection with main or trunk pipelines), between points in Iowa, on the one hand, and, on the other, points in Alabama, Florida, and Georgia. The purpose of this filing is to eliminate the gateway of Evansville, Ind.

No. MC 105045 (Sub-No. E128), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastic pipe and fittings*, which because of their size or weight require the use of special equipment (except plastic pipe and fittings used in, or in connection with, the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and except machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up of pipe, except the stringing or picking up

of pipe in connection with main or trunk pipelines), from points in Iowa to points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateway of Evansville, Ind.

No. MC 105045 (Sub-No. E129), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastic pipe and fittings*, which because of their size or weight require the use of special equipment (except plastic pipe and fittings used in, or in connection with, the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and except machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up of pipe, except the stringing and picking up of pipe in connection with main or trunk pipelines), between points in Nebraska, on the one hand, and, on the other, points in Alabama, Florida, and Georgia. The purpose of this filing is to eliminate the gateway of Evansville, Ind.

No. MC 105045 (Sub-No. E130), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicles, over irregular routes, transporting: *Plastic pipe and fittings*, which because of their size or weight require the use of special equipment (except plastic pipe and fittings used in, or in connection with, the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and except machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipelines), between points in Ne-

braska to points in Maine, North Carolina, and South Carolina. The purpose of this filing is to eliminate the gateway of Evansville, Ind.

No. MC 105045 (Sub-No. E131), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastic pipe and fittings*, which because of their size or weight require the use of special equipment (except plastic pipe and fittings used in, or in connection with, the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and except machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up of pipe, except the stringing and picking up of pipe in connection with main or trunk pipelines), between points in Kansas, on the one hand, and, on the other, points in Florida on and east of U.S. Highway 319 from Lemonia to Turkey Point, and points in Georgia. The purpose of this filing is to eliminate the gateway of Evansville, Ind.

No. MC 105045 (Sub-No. E132), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastic pipe and fittings*, which because of their size or weight require the use of special equipment (except plastic pipe and fittings used in, or in connection with, the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and except machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up of pipe, except the stringing and picking up of pipe in connection with main or trunk

pipelines), from points in Kansas to points in Connecticut, Delaware, Massachusetts, Maine, North Carolina, New Hampshire, New Jersey, New York, Rhode Island, South Carolina, and Vermont. The purpose of this filing is to eliminate the gateway of Evansville, Ind.

No. MC 105045 (Sub-No. E133), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastic pipe and fittings*, which because of their size or weight require the use of special equipment (except plastic pipe and fittings used in, or in connection with, the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and except machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipelines), between points in Missouri on and north of Interstate Highway 70, on the one hand, and, on the other, points in Georgia and Florida. The purpose of this filing is to eliminate the gateway of Evansville, Ind.

No. MC 105045 (Sub-No. E134), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastic pipe and fittings*, which because of their size or weight require the use of special equipment (except plastic pipe and fittings used in, or in connection with, the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and except machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and

picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipelines), from points in Missouri to points in Connecticut, Delaware, Massachusetts, Maine, North Carolina, New Hampshire, New Jersey, Rhode Island, South Carolina, and Vermont. The purpose of this filing is to eliminate the gateway of Evansville, Ind.

No. MC 105045 (Sub-No. E135), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastic pipe and fittings*, which because of their size or weight require the use of special equipment (except plastic pipe and fittings used in, or in connection with, the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and except machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipelines), from points in Oklahoma to points in Connecticut, Delaware, Massachusetts, Maine, New Hampshire, New Jersey, New York, Rhode Island, and Vermont. The purpose of this filing is to eliminate the gateway of Evansville, Ind.

No. MC 105045 (Sub-No. E136), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastic pipe and fittings*, which because of their size or weight require the use of special equipment (except plastic pipe and fittings used in, or in connection with, the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and except machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment, and supplies used

in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipelines), from points in Arkansas to points in Connecticut, Delaware, Massachusetts, Maine, New Hampshire, New Jersey, New York, Rhode Island, and Vermont. The purpose of this filing is to eliminate the gateway of Evansville, Ind.

No. MC 105045 (Sub-No. E137), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastic pipe and fittings*, which because of their size or weight require the use of special equipment (except plastic pipe and fittings used in, or in connection with, the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and except machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipelines), from points in Texas to points in Connecticut, Delaware, Massachusetts, Maine, New Hampshire, New Jersey, New York, Rhode Island, and Vermont. The purpose of this filing is to eliminate the gateway of Evansville, Ind.

No. MC 105045 (Sub-No. E138), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastic pipe and fittings*, which because of their size or weight require the use of special equipment (except plastic pipe and fittings used in, or in connection with, the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and except machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-

products; machinery, materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipe line, including the stringing and picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipe lines), from points in Louisiana to Connecticut, Massachusetts, Maine, New Hampshire, New York, Rhode Island, and Vermont. The purpose of this filing is to eliminate the gateway of Evansville, Ind.

No. MC 105045 (Sub-No. E139), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and fittings*, which because of their size or weight require the use of special equipment (except plastic pipe and fittings used in, or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and except machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipe lines), from points in Mississippi to points in Connecticut, Massachusetts, Maine, New Hampshire, New York, Rhode Island, and Vermont. The purpose of this filing is to eliminate the gateway of Evansville, Ind.

No. MC 105045 (Sub-No. E140), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and fittings*, which because of their size or weight require the use of special equipment (except plastic pipe and fittings used in, or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and except machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, stor-

age, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipe lines), from points in Alabama on and west of U.S. Highway 43, to points in Connecticut, Massachusetts, Maine, New Hampshire, New York, Rhode Island, and Vermont. The purpose of this filing is to eliminate the gateway of Evansville, Ind.

No. MC 105045 (Sub-No. E141), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and fittings*, which because of their size or weight require the use of special equipment (except plastic pipe and fittings used in, or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and except machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipe lines), from points in Pennsylvania to Colorado, Montana, New Mexico, and Wyoming. The purpose of this filing is to eliminate the gateway of Evansville, Ind.

No. MC 105045 (Sub-No. E142), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and fittings*, which because of their size or weight require the use of special equipment (except plastic pipe and fittings used in, or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and except machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production,

refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipe lines), from District of Columbia to Colorado, Montana, New Mexico, and Wyoming. The purpose of this filing is to eliminate the gateway of Evansville, Ind.

No. MC 105045 (Sub-No. E143), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and fittings*, which because of their size or weight require the use of special equipment (except plastic pipe and fittings used in, or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products, and except machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipe lines), from points in Maryland to Colorado, Montana, New Mexico, and Wyoming. The purpose of this filing is to eliminate the gateway of Evansville, Ind.

No. MC 105045 (Sub-No. E144), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and fittings*, which because of their size or weight require the use of special equipment (except plastic pipe and fittings used in, or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and except machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production,

refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipe lines), from points in Virginia to points in Colorado, Montana, New Mexico, and Wyoming. The purpose of this filing is to eliminate the gateway of Evansville, Ind.

No. MC 105045 (Sub-No. E145), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th & New York Ave. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and fittings*, which because of their size or weight require the use of special equipment (except plastic pipe and fittings used in or in connection with the discovery, development, production, refinings, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products) (except machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products); machinery, materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up of pipe (except the stringing or picking up of pipe in connection with main or trunk pipe lines), from points in Ohio to points in Connecticut and New Mexico. The purpose of this filing is to eliminate the gateway of Evansville, Ind.

No. MC 105045 (Sub-No. E146), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th & New York Ave. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and fittings* which because of their size or weight require the use of special equipment (except plastic pipe and fittings used in or in connection with the discovery, development, production, refinings, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products) (except machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and

distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines), from points in West Virginia to points in Colorado, Montana, New Mexico, and Wyoming. The purpose of this filing is to eliminate the gateway of Evansville, Ind.

No. MC 105045 (Sub-No. E147), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th & New York Ave. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and fittings* which because of their size or weight require the use of special equipment (except plastic pipe and fittings used in or in connection with the discovery, development, production, refinings, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products) (except machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products); machinery, materials, equipment, and supplies used in or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipe lines), from points in Tennessee to points in Minnesota, Montana, North Dakota, and Wyoming. The purpose of this filing is to eliminate the gateway of Evansville, Ind.

No. MC 112595 (Sub-No. E16), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter R. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products and liquid petroleum*, in bulk, in tank vehicles, between points in Ohio on and west of a line extending from Marietta along Interstate Highway 77 to junction U.S. Highway 36 near Newcomerstown, thence along U.S. Highway 36 to junction U.S. Highway 23, thence along U.S. Highway 23 to Circleville, thence along Ohio Highway 56 to Athens, thence along U.S. Highway 50 to Belpre, thence along the Ohio-West Virginia State line to Marietta, on the one hand, and, on the other, points in West Virginia within the area bounded by a line extending from Buckhannon along U.S. Highway 33 to Elkins, thence along U.S. Highway 219 to junction West Virginia

Highway 39, thence along West Virginia Highway 39 to Summersville, thence along U.S. Highway 19 to Buckhannon. The purpose of this filing is to eliminate the gateway of Marietta, Ohio.

No. 105045 (Sub-No. E148), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th & New York Ave. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and fittings* which because of their size or weight require the use of special equipment (except plastic pipe and fittings used in or in connection with the discovery, development, production, refinings, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products) (except machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products); machinery, materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipe lines), from points in Georgia to points in Colorado, Minnesota, Montana, North Dakota, South Dakota, and Wyoming. The purpose of this filing is to eliminate the gateway of Evansville, Ind.

No. MC 105045 (Sub-No. E149), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th & New York Ave. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and fittings* which because of their size or weight require the use of special equipment (except plastic pipe and fittings used in or in connection with the discovery, development, production, refinings, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products) (except machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products); machinery, materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipe lines), from points

in Florida to points in Minnesota, Montana, North Dakota, South Dakota, and Wyoming. The purpose of this filing is to eliminate the gateway of Evansville, Ind.

No. MC 105045 (Sub-No. E150), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th & New York Ave. NW., Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastic pipe and fittings* which because of their size or weight require the use of special equipment (except plastic pipe and fittings used in or in connection with the discovery, development, production, refinings, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products) (except machinery, materials, equipment, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipe lines), from points in Alabama to points in Minnesota, Montana, North Dakota, South Dakota, and Wyoming. The purpose of this filing is to eliminate the gateway of Evansville, Ind.

No. MC 105045 (Sub-No. E151), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th & New York Ave. NW., Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastic pipe and fittings* which because of their size or weight require the use of special equipment (except plastic pipe and fittings used in or in connection with the discovery, development, production, refinings, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products) (except machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipe lines), from points in Mississippi to Montana, Minnesota, North Dakota, and South Da-

kota. The purpose of this filing is to eliminate the gateway of Evansville, Ind.

No. MC 106603 (Sub-No. E4) (Correction), filed May 10, 1974, published in the FEDERAL REGISTER July 1, 1975. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin Leavitt (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Building contractors' materials*, restricted to building materials, as described by the Commission, from points in Indiana to those points in the Upper Peninsula of Michigan on and west of U.S. Highway 41. The purpose of this filing is to eliminate the gateway of Wilmington, Ill. The purpose of this correction is to correct the gateway.

No. MC 108119 (Sub-No. E37), filed May 4, 1975. Applicant: E. L. MURPHY TRUCKING CO., P.O. Box 3010, St. Paul, Minn. 55165. Applicant's representative: Roger L. Bond (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such material handling equipment, winches, compaction and road making equipment, rollers, mobile cranes, and highway freight trailers, and parts, attachments, and accessories* therefore, as are embraced within machinery and machinery parts, between the facilities of the Hyster Company at or near Crawfordsville, Ind., on the one hand, and, on the other, points in (1) Montana, and (2) Idaho, Washington, and that part of Oregon east of the Cascade Mountains. The purpose of this filing is to eliminate the gateways of (1) Minnesota and (2) Minnesota and that part of Montana west of a line extending from the boundary of the United States and Canada along U.S. Highway 85 to Livingston, Mont., thence along U.S. Highway 10 to Laurel, Mont., thence along U.S. Highway 310 to the Montana-Wyoming State line.

No. MC 109326 (Sub-No. E40) (Correction), filed May 19, 1974, published in the FEDERAL REGISTER August 4, 1975. Applicant: C & D TRANSPORTATION CO., INC., P.O. Box 10506, New Orleans, La. 70121. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. N.W., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles* distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 786 (except hides and commodities in bulk), from Mobile County, Ala., to points in North Carolina on and east of U.S. Highway 52, and points in South Carolina, on and east of U.S. Highway 52. Restriction: The operations authorized . . . The purpose of this filing is to eliminate the gateway of Gulfport, Miss. The purpose of this partial correction is to delete some of the points above. The remainder of this letter-notice remains as previously published.

No. MC 113666 (Sub-No. E18) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER February 4, 1975. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Rd., Freeport, Pa. 16229. Applicant's representative: Daniel R. Smetanick (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (A) *Refractory products* (except in bulk), from Irondale, New Salisbury, Wellsville, Uhrichsville, Oak Hill, Jackson, South Webster, Columbiana, Warren, Cincinnati, Powhatan, and Center Township, Carroll County, Ohio, Taylor, and Mayfield, Ky., Mexico, Fulton, and Vandalla, Mo., to the ports of entry on the United States-Canada International Boundary line located in Maine, New Hampshire, Vermont, and at Alexandria Bay, Ogdensburg, and Roosevelt, N.Y. Restriction: The operations authorized herein are restricted to the transportation of shipments destined to points in the Provinces of Ontario and Quebec, Canada; and (B) *Fire brick, fireclay, and furnace kiln lining cement, and high-temperature bonding mortar* (except liquid commodities in bulk), from Olive Hill and Hitchens, Ky., to the ports of entry on the International Boundary line between the United States and Canada located in Maine, New Hampshire, Vermont, and at Alexandria Bay, Ogdensburg, and Roosevelt, N.Y., restricted to the transportation of shipments destined to points in the Provinces of Ontario and Quebec, Canada. The purpose of this filing is to eliminate the gateway of the Ports of Entry of Buffalo or Niagara Falls, N.Y. The purpose of this partial correction is to include (B) above. The remainder of this letter-notice remains as previously published.

No. MC 113843 (Sub-No. E569) (Correction), filed May 17, 1974, published in the FEDERAL REGISTER August 4, 1975. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Shells (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Tioga County, Pa., to points in Nebraska; and from those points in Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line and extending along U.S. Highway 522 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction Pennsylvania Highway 144, thence along Pennsylvania Highway 144 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 664, thence along Pennsylvania Highway 664 to junction Pennsylvania Highway 44, thence along Pennsylvania Highway 44 to junction Pennsylvania Highway 414, thence along Pennsylvania Highway 414 to junction Pennsylvania Highway 287, thence along Pennsylvania Highway 287 to junction Pennsylvania Highway 249, thence along Pennsylvania Highway 249

to the Pennsylvania-New York State line, to those points in Nebraska on and west of U.S. Highway 183. The purpose of this filing is to eliminate the gateway of Dundee, N.Y. The purpose of this correction is to correct a typographical error.

No. MC 113843 (Sub-No. E678) (Correction), filed May 21, 1974, published in the FEDERAL REGISTER July 14, 1975. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Shells (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*; (7) from Port Huron, Mich., to those points in Virginia on and east of a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 11 to Winchester, thence along U.S. Highway 522 to Culpeper, thence along U.S. Highway 15 to South Boston, thence along U.S. Highway 501 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateway to Elmira, N.Y. The purpose of this partial correction is to correct the destination territory. The remainder of this letter-notice remains as previously published.

No. MC 113843 (Sub-No. E1000) (Correction), filed December 2, 1974, published in the FEDERAL REGISTER July 28, 1975. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Shells (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, between those points in New Jersey south of a line . . . The purpose of this filing is to eliminate the gateway of Elmira, N.Y. The purpose of this partial correction is to correct the territorial description. The remainder of this letter-notice remains as previously published.

No. MC 113843 (Sub-No. E1017) (Correction), filed December 2, 1974, published in the FEDERAL REGISTER August 4, 1975. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Shells (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Pittston, Pa., to those points in West Virginia on and west of a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 19 to junction Interstate Highway 77, thence along Interstate Highway 77 to the West Virginia-Ohio State line, and Bristol, Va. The purpose of this filing is to eliminate the gateway of Elmira, N.Y. The purpose of this correction is to correct the origin point.

No. MC 113843 (Sub-No. E1038) (Correction), filed December 2, 1974, published in the FEDERAL REGISTER June 18, 1975. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's

representative: Lawrence T. Shells (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Moosic, Pa., to points in Ohio (except that portion on and east of a line beginning at the Pennsylvania-West Virginia State line and extending along Ohio Highway 213 to junction Ohio Highway 152, thence along Ohio Highway 152 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Ohio Highway 800, thence along Ohio Highway 800 to junction Ohio Highway 148, thence along Ohio Highway 148 to the Ohio River. The purpose of this filing is to eliminate the gateway of Elmira, N.Y. The purpose of this correction is to correct a typographical error.

No. MC 115841 (Sub-No. E32) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER August 5, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. N.W., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk or in tank vehicles), in vehicles equipped with mechanical refrigeration; (2) from points in Alabama on, north, and west of a line beginning at the Alabama-Mississippi State line and extending along U.S. Highway 80 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction Interstate Highway 59, thence along Interstate Highway 59 to the Alabama-Georgia State line (except Cullman), to points in Arkansas on and north of Interstate Highway 40; (3) from points in Jefferson County, Ala., to points in Arkansas; and (4) from points in Alabama on, north, and east of a line beginning at the Alabama-Mississippi State line and extending along U.S. Highway 80 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction Interstate Highway 59, thence along Interstate Highway 59 to the Alabama-Georgia State line, to points in Arkansas. The purpose of this filing is to eliminate the gateway of Birmingham, Ala. The purpose of this partial correction is to correct various errors above. The remainder of this letter-notice remains as previously published.

No. MC 115841 (Sub-No. E249) (Correction), filed May 22, 1975, published in the FEDERAL REGISTER August 11, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fresh and frozen poultry, fresh and frozen seafood, and frozen fruits and vegetables, and frozen foods* when moving in mixed loads with fresh and frozen poultry, fresh and frozen seafood, frozen fruits and vegetables, in vehicles equipped with mechanical refrigeration; (1) from points in Delaware

south of the Chesapeake and Delaware Canal, and points in Maryland east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal, (a) to points in Alabama on and east of U.S. Highway 231 (except Montgomery) (Chattanooga, Tenn., and Atlanta, Ga.), and (b) to Atlanta, Ga. (Chattanooga, Tenn.); and (2) from points in Virginia east of the Chesapeake Bay to points in Alabama on and east of U.S. Highway 31 (except Montgomery and Dothan) (Chattanooga, Tenn., and Atlanta, Ga.). The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this correction is to include (1) (b) above.

No. MC 115841 (Sub-No. E361) (Correction), filed May 22, 1974, published in the FEDERAL REGISTER August 28, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods and frozen edible food preparations* (except bananas and commodities in bulk), in vehicles equipped with mechanical refrigeration, from New York, N.Y., points in Rockland County, N.Y., east of the Garden State Parkway and south of Interstate Highway 287, points in Westchester County south of Interstate Highway 287, points in Nassau County, N.Y., west of Nassau County Highway 1, and points in Bergen, Essex, Hudson, Passaic, and Union Counties, N.J., to points in California and points in Oregon on and west of Interstate Highway 5. The purpose of this filing is to eliminate the gateway of the facilities of Pet Milk Company at Chambersburg, Pa., Chattanooga, Tenn., Atlanta, Ga., and Birmingham, Ala. The purpose of this correction is to correct the territorial description.

No. MC 115841 (Sub-No. E378), filed May 22, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen edible meats*, in vehicles equipped with mechanical refrigeration, from Wilmington, Del., to points in Florida. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC 118831 (Sub-No. E19) (Correction), filed May 31, 1974, published in the FEDERAL REGISTER August 14, 1975. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5044, High Point, N.C. 27262. Applicant's representative: Richard E. Shaw (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petrochemicals, anhydrous ammonia, fertilizer, and fertilizer materials); . . . The purpose of this filing is to eliminate the gateway of North Carolina. The pur-

pose of this partial correction is to redefine the authorities sought to "between . . . on the one hand, and, on the other" as proposed to in the previous publication as "from . . . to." The remainder of this letter-notice remains as previously published.

No. MC 119777 (Sub-No. E46) (Correction), filed April 23, 1974, published in the FEDERAL REGISTER May 21, 1975. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Ronald E. Butler (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Pallets, skids, bases, boxes, crating, oak treads, oak risers, oak sills, oak molding, cardboard cartons, nails, and lumber*; (e) . . . to junction Illinois Highway 37, thence along Illinois Highway 37 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Illinois Highway 142, thence along Illinois Highway 142 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Illinois Highway 13, thence along Illinois Highway 13 to the Illinois-Kentucky State line; (1) . . . to junction U.S. Highway 9, thence along U.S. Highway 9 to Cape May, N.J., at Atlantic Ocean; . . . The purpose of this filing is to eliminate the gateways of Logan County, Ky., and Muhlenberg County, Ky. The purpose of this partial correction is to correct the commodity description and the territorial descriptions above. The remainder of this letter-notice remains as previously published.

No. MC 119777 (Sub-No. E48) (Correction), filed April 23, 1974, published in the FEDERAL REGISTER May 20, 1975. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Ronald E. Butler (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Pallets, skids, bases, boxes, crating, oak treads, oak risers, oak sills, oak molding, cardboard cartons, nails, and lumber*; . . . (1) (i) between points in Colorado, on the one hand, and, on the other, points in Tennessee, on and east of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 641 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction Tennessee Highway 22, thence along Tennessee Highway 22 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction Tennessee Highway 69, thence along Tennessee Highway 69 to the Tennessee-Alabama State line; . . . The purpose of this filing is to eliminate the gateways of Logan County, Ky., and Muhlenberg County, Ky. The purpose of this partial correction is to include (1) (i) above. The remainder of this letter-notice remains as previously published.

No. MC 119777 (Sub-No. E50) (Correction), filed April 23, 1974, published in the FEDERAL REGISTER June 6, 1975. Applicant: LIGON SPECIALIZED

HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Ronald E. Butler (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Pallets, skids, bases, boxes, crating, oak treads, oak risers, oak sills, oak molding, cardboard cartons, nails, and lumber*; . . . (1) (h) . . . to junction New York Highway 12, thence along New York Highway 12 to junction New York Highway 3, thence along New York Highway 3 to Plattsburgh, N.Y., on the New York-Vermont State line; . . . (1) (q) . . . to junction U.S. Highway 301, thence along U.S. Highway 301 to junction U.S. Highway 98, thence along U.S. Highway 98 to junction U.S. Highway 92, thence along U.S. Highway 92 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Florida Highway 70, thence along Florida Highway 70 to junction Florida Highway 710, thence along Florida Highway 710 to its terminus at or near Riviera Beach, Fla., on the Gulf of Mexico, on the one hand, and, on the other, points in Brooke, Hancock, and Ohio Counties, W. Va. . . . The purpose of this filing is to eliminate the gateways of Logan County and Muhlenberg County, Ky. The purpose of this partial correction is to correct the territorial description above. The remainder of this letter-notice remains as previously published.

No. MC 119777 (Sub-No. E51) (Correction), filed April 23, 1974, published in the FEDERAL REGISTER May 22, 1975. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Ronald E. Butler (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Pallets, skids, bases, boxes, crating, oak treads, oak risers, oak sills, oak molding, cardboard cartons, nails, and lumber*; (1) (k) between points in Indiana on and west of a line beginning at the Indiana-Illinois State line extending along Indiana Highway 28 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Indiana Highway 46, thence along Indiana Highway 46 to junction Indiana Highway 159, thence along Indiana Highway 159 to junction Indiana Highway 48, thence along Indiana Highway 48 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Kentucky-Indiana State line, and the points of Whiting, East Chicago, Hammond, and Gary, Ind., on the one hand, and, on the other, points in North Carolina on and south of a line beginning at the North Carolina-Tennessee State line, . . . (1) (q) . . . and, on the other, points in South Dakota on and west of a line beginning at the North Dakota-South Dakota State line extending along South Dakota Highway 63 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 212, thence along U.S. Highway 212 to Gettysburg,

S. Dak., thence along U.S. Highway 212 to junction U.S. Highway 83, thence along U.S. Highway 83 to the Nebraska-South Dakota State line; . . . (4) (g) . . . to junction Louisiana Highway 1, thence along Louisiana Highway 1 to the terminus at Grand Isle, La., on the Gulf of Mexico, on the one hand, and, on the other, points in South Dakota; (15) (a) . . . to junction New York Highway 3, thence along New York Highway 3 to its terminus at Plattsburgh, N.Y., on the one hand, and, on the other, Postell, N.C., and its commercial zone. The purpose of this filing is to eliminate the gateways of Logan County, Ky., and Muhlenberg County, Ky. The purpose of this partial correction is to correct various errors above. The remainder of this letter-notice remains as previously published.

No. MC 124211 (Sub-No. E88), filed May 7, 1975. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages* (except frozen alcoholic beverages, malt beverages, and commodities in bulk); (1) between points in Arizona, on the one hand, and, on the other, points in Iowa, Minnesota, Wisconsin, Illinois, Indiana, Michigan, Kentucky, Ohio, Missouri, West Virginia, Virginia, Maryland, Delaware, New Jersey, New York, Pennsylvania, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, Tennessee, North Carolina, South Carolina, those points in Georgia on and east of U.S. Highway 23, and the District of Columbia (Weston, Mo.); (2) from those points in California on and north of Interstate Highway 15 to those points in Texas on and east of a line beginning at the Gulf of Mexico extending along Interstate Highway 45 to junction U.S. Highway 287, thence along U.S. Highway 287 to the Texas-Oklahoma State line (Kansas); (3) between points in Nevada, on the one hand, and, on the other, points in Wisconsin, Illinois, Missouri, Arkansas, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Tennessee, Kentucky, Virginia, West Virginia, Ohio, Indiana, Michigan, Pennsylvania, New Jersey, Maryland, Delaware, Connecticut, Rhode Island, New York, Massachusetts, New Hampshire, Vermont, Maine, and the District of Columbia (Weston, Mo.); (4) between points in Utah, on the one hand, and, on the other, points in the United States on and east of U.S. Highway 61 (Weston, Mo.); . . .

(5) Between points in Pennsylvania, New Jersey, New York, Vermont, New Hampshire, Maine, Massachusetts, Rhode Island, Connecticut, and New York, and those in Maryland on and north of Maryland Highway 75, on the one hand, and, on the other, those points in Oklahoma and Texas on and west of U.S. Highway 75 (Weston, Mo.); (6) between points in Colorado, Idaho, Oregon, Washington, and Wyoming, on the

one hand, and, on the other, those points in the United States on and east of U.S. Highway 61 (except those in Minnesota, Wisconsin, and the Upper Peninsula of Michigan) (Weston, Mo.*); (7) between points in Arkansas and Louisiana, and Houston, Tex., on the one hand, and, on the other, points in Wyoming, Montana, North Dakota, South Dakota, Idaho, Washington, Oregon and Minnesota (Weston, Mo.*); (8) between points in New Mexico, on the one hand, and, on the other, points in Wisconsin, Iowa, Illinois, Indiana, Michigan, Ohio, Kentucky, West Virginia, Virginia, Maryland, Delaware, Pennsylvania, New York, New Jersey, Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont, Maine, and the District of Columbia (Weston, Mo.*); (9) between points in Montana, on the one hand, and, on the other, points in the United States on and east of U.S. Highway 61 (except those in Minnesota, Wisconsin, Iowa, Illinois, Michigan, and Indiana) (Weston, Mo.*); (10) from points in Connecticut, Delaware, Maine, Maryland, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, those in Kentucky on and north of Interstate Highway 64, those in Illinois on and north of Interstate Highway 70, those in Indiana on and north of U.S. Highway 150, to those points in Texas on and west of Interstate Highway 35-E, those in Oklahoma on and west of Interstate Highway 35, and Kansas City and St. Joseph, Mo. (Weston, Mo.*); and (11) from points in Washington, those in Oregon on and west of Interstate Highway 5, and those in California on and west of a line beginning at San Pablo Bay extending along California Highway 29 to junction California Highway 20, thence along California Highway 20 to the Pacific Ocean, to Denver, Colo. (Nebraska and Kansas*). The purpose of this filing is to eliminate the gateways indicated by the asterisks

No. MC 127974 (Sub-No. E8), filed January 30, 1975. Applicant: P. LIEDTKE TRUCKING, INC., 110 Patterson Ave., Trenton, N.J. 08610. Applicant's representative: Phillip Liedtke (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Contractors' equipment and such commodities as require specialized handling or rigging because of size or weight*; (1) between those points in Pennsylvania on and east of a line beginning at the Pennsylvania-Delaware State line and extending along U.S. Highway 202 to junction U.S. Highway Business Route 322, thence along U.S. Highway Business Route 322 to junction Pennsylvania Highway 100, thence along Pennsylvania Highway 100 to junction Pennsylvania Turnpike, thence along Pennsylvania Turnpike to junction Pennsylvania Highway 10, thence along Pennsylvania Highway 10 to Reading, thence along Pennsylvania Highway 61 to junction Pennsylvania Highway 895, thence along Pennsylvania Highway 895 to junction Pennsylvania Highway 443, thence along

Pennsylvania Highway 443 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction Pennsylvania Highway 93, thence along Pennsylvania Highway 93 to junction Pennsylvania Highway 239, thence along Pennsylvania Highway 239 to junction unnumbered highway near Huntington Mills, thence along unnumbered highway to junction Pennsylvania Highway 487, thence along Pennsylvania Highway 487 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Pennsylvania-New York State line, and those points in New York on and east of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 15 to junction New York Highway 63, thence along New York Highway 63 to junction New York Highway 36, thence along New York Highway 36 to Leicester.

Thence along U.S. Alternate Highway 20 to junction New York Highway 246, thence along New York Highway 246 to junction New York Highway 63, thence along New York Highway 63 to Lake Ontario, on the one hand, and, on the other, those points in Virginia south and west of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 15 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway 360, thence along U.S. Highway 360 to the Chesapeake Bay, and on and west of a line beginning at the Virginia-North Carolina State line and extending along Virginia Highway 35 to junction Virginia Highway 40, thence along Virginia Highway 40 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Virginia Highway 31, thence along Virginia Highway 31 to the James River; (2) between those points in Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line and extending along Pennsylvania Highway 896 to junction Pennsylvania Highway 10, thence along Pennsylvania Highway 10 to Reading, thence along Pennsylvania Highway 183 to junction Pennsylvania Highway 895, thence along Pennsylvania Highway 895 to junction Pennsylvania Highway 443, thence along Pennsylvania Highway 443 to junction Pennsylvania Highway 125, thence along Pennsylvania Highway 125 to Shamokin, thence along Pennsylvania Highway 61 to junction Pennsylvania Highway 487, thence along Pennsylvania Highway 487 to junction Pennsylvania Highway 54, thence along Pennsylvania Highway 54 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line, and those points in New York on and east of a line beginning at the New York-Pennsylvania State line and those points in New York on and east of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 17 to junction New York Highway 275, thence along New York Highway 275 to junction New York Highway 408, thence along New York Highway 408 to junction New York Highway 16 to East Aurora, thence along U.S. Alternate Highway 20 to junction

U.S. Highway 62, thence along U.S. Highway 62 to Bladell.

Thence along unnumbered highway to junction New York Highway 5, thence along New York Highway 5 to Buffalo, thence along the Niagara River to Lake Ontario, on the one hand, and, on the other, those points in Virginia south and east of a line beginning at the Virginia-North Carolina State line and extending along Virginia Highway 35 to junction Virginia Highway 40, thence along Virginia Highway 40 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Virginia Highway 31, thence along Virginia Highway 31 to junction Colonial National Historic Parkway, thence along Colonial National Historic Parkway to the James River (except those west of the Chesapeake Bay). The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 136553 (Sub-E46), filed June 30, 1975. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: Arthur J. Pape (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *fertilizer*, in bags, from Fulton, Illinois, to points in Iowa that are north or west of a line starting at Dubuque, Iowa and continuing west along U.S. Highway 20 to junction Iowa Highway 57, thence south along Iowa Highway 57 to junction Iowa Highway 175, thence west along Iowa Highway 175 to junction U.S. Highway 69, thence south along U.S. Highway 69 ending at the Iowa-Missouri border. Restriction: The operations authorized herein are restricted to the transportation of shipments having a prior movement by water carrier. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 75-26560 Filed 10-2-75; 8:45 am]

[Notice No. 873]

ASSIGNMENT OF HEARINGS

SEPTEMBER 30, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 111729 Sub 520, Purolator Courier Corp., now assigned October 15, 1975 at St. Paul, Minnesota, transferred from Room 525 to Room 627 Federal Building & U.S. Courthouse, 316 North Robert Street.

MC 90208 Sub 13, Skyline Transportation, Inc., now assigned October 7, 1975, at Nashville, Tennessee, Law Library, General Counsel's Office Public Service Commission, C1-100 Cordell H 11 Bldg., is postponed to October 13, 1975 (1 day only), at Knoxville, Tennessee, Ramada Inn-Kingston Pike, 7621 Kingston Pike.

MC-F-12411, Noel Transfer, Inc.—Control—Dakota Express, Inc., now assigned October 20, 1975 at St. Paul, Minnesota, transferred from Room 584 to Room 525, 5th Floor, Federal Building & U.S. Courthouse, 316 North Robert Street.

MC 531 Sub 306, Younger Brothers, Inc., now assigned October 30, 1975 at New Orleans, Louisiana is canceled and the application is dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-26559 Filed 10-2-75;8:45 am]

[AB 52 (Sub-No. 2)]

ATCHISON, TOPEKA AND SANTA FE RAILWAY CO.

Abandonment of Services

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, *et seq.*; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Carter and Jefferson Counties, on or before October 15, 1975 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 22nd day of September, 1975.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD,
Secretary.

ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY ABANDONMENT FROM WEST OF ARDMORE TO RINGLING, ALSO BETWEEN COBALT JUNCTION AND HEALDTON, IN CARTER AND JEFFERSON COUNTIES, OKLAHOMA

The Interstate Commerce Commission hereby gives notice that by order dated September 22, 1975, it has been determined that the proposed abandonment of the Santa Fe Railway's branch line from MP 5+0 West of Ardmore to MP 29+5180 at Ringling, and

from MP 0+0 at Cobalt Junction to MP 5+5147 at Healdton, a total distance of 31 miles, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, *et seq.*, and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because traffic over the subject line has been decreasing over the past several years and there is an absence of industrial growth and development plans in the area. The increase in motor carrier and pipeline transportation attributable to the proposed abandonment is expected to be minimal because these modes are currently being used extensively.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-7966.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before October 30, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-26553 Filed 10-2-75;8:45 am]

[AB 46 (Sub-Nos. 4 and 9); Finance Docket Nos. 27843 and 27844]

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

Abandonment of Services

Upon consideration of the record in the above-entitled proceedings, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in these proceedings because these proceedings do not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, *et seq.*; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Webster, Calhoun, Pocahontas, O'Brien, Osceola, Clay, and Palo Alto Counties, Iowa, on or before October 15, 1975 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a

copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 22nd day of September, 1975.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD,
Secretary.

AB 46 (Sub-No. 4), Chicago, Rock Island and Pacific Railroad Company abandonment between Gowrie and a point near Palmer, in Webster, Calhoun, and Pocahontas Counties, Iowa.

AB 46 (Sub-No. 9), Chicago, Rock Island and Pacific Railroad Company abandonment between Hartley and Sibley, in O'Brien and Osceola Counties, Iowa.

Finance Docket No. 27843, Chicago, Rock Island and Pacific Railroad Company—trackage rights—over the Chicago, Milwaukee, St. Paul and Pacific Railroad Company between Emmetsburg and Hartley, Iowa.

Finance Docket No. 27844, Chicago, Rock Island and Pacific Railroad Company—construction—at Hartley, O'Brien County, Iowa.

The Interstate Commerce Commission hereby gives notice that by order dated September 22, 1975, it has been determined that the proposal of the Chicago, Rock Island and Pacific Railroad Company to (1) abandon the line between Palmer and Gowrie, a distance of 29.10 miles, all in Pocahontas, Calhoun and Webster Counties, (2) abandon the line between Hartley and Sibley a distance of 18.49 miles, all in Osceola and O'Brien Counties, (3) acquire trackage rights over the Chicago, Milwaukee, St. Paul and Pacific Railroad Company line between Hartley and Emmetsburg, a distance of 43.69 miles, all in O'Brien, Clay, and Palo Alto Counties, and (4) construct 565 feet of connecting trackage at Hartley, O'Brien County, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, *et seq.*, and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the associated environmental impacts are considered insignificant because (1) the lines proposed for abandonment have been out of service since embargoes of March 6, 1973, (2) the transportation of the preembargo traffic, currently being handled by motor carriers over adequate highways or by alternative railways, has created only minimal degradation of air quality, ambient noise levels, and energy resources, and (3) there are no historic sites or major ecological effects involved. Consequently, preparation of a detailed impact statement is not required.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-7966.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before October 30, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this

action is submitted to the Commission by the above-specified date.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-26555 Filed 10-2-75;8:45 am]

[Ex Parte No. MC-37 (Sub-No. 2D)]

GOPHER SMELTING AND REFINING CO.
Commercial Zones and Terminal Areas

Petitioner: Gopher Smelting and Refinery Company. Petitioner's Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118.

By petition filed June 10, 1975, the above-named petitioner requests that the Commission institute a rule-making proceeding for the purpose of redefining the limits of the Minneapolis-St. Paul commercial zone, which were most recently defined on December 24, 1969, in *Commercial Zones and Terminal Areas*, 110 M.C.C. 872, as modified by unprinted order of April 28, 1970. The present description of the Minneapolis-St. Paul commercial zone limits can be found at 49 CFR 1048.26. Petitioner desires to change the following pertinent portion of that definition:

... thence south along County Highway 63 to its junction with County Highway 63A, thence west along Highway 63A to its junction with Minnesota Highway 49, thence north along Minnesota Highway 49 to its junction with County Highway 28, thence west along County Highway 28 to its junction with Minnesota Highway 13 ...

to read as follows:

... thence south along County Highway 63 to its junction with Minnesota Highway 49 and Westcott Road to its junction with Elrene Avenue, thence north on Elrene Avenue to its junction with County Road 28, thence west along County Road 28 to its junction with Minnesota Highway 13 ...

Petitioner is directed to submit a detailed street map of the areas proposed for inclusion within the proposed commercial zone. The proposed action is not expected to significantly affect the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. No oral hearing is contemplated at this time, but anyone wishing to make representations in favor, or against the relief sought in the petition may do so by the submission of written data, views, or arguments. An original and seven copies of such data, views, or arguments shall be filed with this Commission on or before November 15, 1975. A copy of each representation should be served upon petitioner's representative. Written submissions will be available for public inspection during regular business hours at the offices of the Interstate Commerce Commission, 12th and Constitution Avenue, Washington, D.C.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by

filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-26558 Filed 10-2-75;8:45 am]

[Notice No. 90]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

OCTOBER 3, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before October 23, 1975. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-76031. By order entered September 30, 1975, the Motor Carrier Board approved the transfer to James H. Clark & Son, Inc., Salt Lake City, Utah, of the operating rights set forth in Certificate No. MC 123793, issued April 27, 1962, to P & R Transportation, Ltd., Salt Lake City, Utah, authorizing the transportation of bananas, from points in the Los Angeles Harbor, Calif., Commercial Zone, as defined by the Commission, to Salt Lake City, Utah; and those set forth in Permits Nos. MC 117814 (Sub-No. 1), and MC 117814 (Sub-No. 2), issued by the Commission October 19, 1959, and November 15, 1971, authorizing the transportation of prepared fish foods, in bulk and in containers, from the plant site of J. R. Clark Company at Salt Lake City, Utah, to points in California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Washington, Wyoming, and Arizona, restricted to operations to be performed under a continuing contract, or contracts, with J. R. Clark Company of Salt Lake City, Utah. Macoy A. McMurray, 500 Kennecott Building, Salt Lake City, Utah 84133, attorney for applicants.

No. MC-FC-76071 By order of September 30, 1975, the Motor Carrier Board approved the transfer to S & S Transport, Inc., Eugene, Oregon, of Permit No. MC 126038 (Sub-No. 11), issued June 7, 1974, to Peninsula Products, Inc., Scappoose, Oregon, authorizing the transportation

of wooden shakes and shingles, from points in Clallam, Jefferson, Grays Harbor, and Snohomish Counties, Wash., to points in California. David C. White, 2400 S.W. Fourth Avenue, Portland, Oregon, 97201, Attorney for Transferee and Transferor.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-26557 Filed 10-2-75;8:45 am]

[Notice No. 110]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 30, 1975.

The following are notices of filing of applications for temporary authority under Section 210(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR § 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 30887 (Sub-No. 222TA), filed September 23, 1975. Applicant: SHIPLEY TRANSFER, INC., 1550 E. Patapsco Ave., Baltimore, Md. 21225. Applicant's representative: William B. Eckels (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Molten liquid polypropylene, in bulk, in rear unloading tank vehicles, from Linden, N.J., to Menasha, Wis., for 180 days. Supporting Shipper: Ric Hard Gottfried, Traffic Manager, 777 Summer St., Stamford, Conn. 06901. Send protests to: William L. Hughes, District Super-

visor, Interstate Commerce Commission, 814-B Federal Bldg., Baltimore, Md. 21201.

No. MC 52460 (Sub-No. 177TA), filed September 22, 1975. Applicant: ELLEX TRANSPORTATION, INC., 1420 West 35th St., P.O. Box 9637, Tulsa, Okla. 74107. Applicant's representative: Steve B. McCommas (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Non-alcoholic beverages*, in cans and bottles, in packages, from Yoo-Hoo of Florida Corp., facilities, Hialeah, Fla., to Conroe Beverage Co., Inc., Beaumont, Tex., for 180 days. Supporting shipper: Yoo-Hoo of Florida Corp., Anthony H. Tucci, V.P. & Gen. Mgr., 590 West 83rd St., Hialeah, Fla. 33014. Send protests to: Marie Spillars, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, Room 240 Old P.O. Bldg., 215 N.W. Third, Oklahoma City, Okla. 73102.

No. MC 63417 (Sub-No. 77TA), filed September 18, 1975. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. Box 13447, Roanoke, Va. 24034. Applicant's representative: William E. Bain (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle over irregular routes, transporting: *New furniture*, from Palatka, Fla., to points in Arkansas, Delaware, Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, Mississippi, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: American Modular Furniture Corporation, 15500 Phillips Highway, Rt. 8, Box 72, Jacksonville, Fla. 32224. Send protests to: Danny R. Beeler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Ave., S.W., Roanoke, Va. 24011.

No. MC 89684 (Sub-No. 89TA), filed September 19, 1975. Applicant: WY-COFF COMPANY, INCORPORATED, 560 South 300 West, Salt Lake City, Utah 84110. Applicant's representative: Harry D. Pugsley, Suite 400, 315 East Second South, Salt Lake City, Utah 84111. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Mining, electrical and industrial supplies and equipment*, going to or from a mine, mine supplier, mining contractor, repair facility or construction site; *Construction parts, equipment and materials*, between points in Salt Lake County, Utah, on the one hand, and, on the other, points in Caribou and Bear Lake Counties, Idaho, restricted against shipments weighing over 1,000 pounds, and against the movement of Classes A and B explosives; via U.S. Highways I-15 and 91 between Salt Lake County, Utah and Pocatello, Idaho; via U.S. Highway I-15 between Pocatello, Idaho and McCammon, Idaho and via U.S. Highway 30 between McCammon, Idaho and points in Caribou and Bear Lake Counties, using all established

highways to serve off-route points within said two counties in Idaho, such as Idaho Highway 34 and U.S. Highway 89, for 180 days. Supporting shipper: There are approximately 15 statements of support attached to the application, which may be examined at the Interstate Commerce Commission, in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 South State St., Salt Lake City, Utah 84138.

No. MC 93980 (Sub-No. 63TA), filed September 22, 1975. Applicant: VANCE TRUCKING COMPANY, INCORPORATED, P.O. Box 1119, Raleigh Road, Henderson, N.C. 27536. Applicant's representative: Henry M. Strause (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lumber, wooden fencing, fencing materials and forest products*, from points in Chowan County, N.C., to points in the United States in and east of Wisconsin, Illinois, Kentucky, Tennessee, Mississippi, and Louisiana (except Wisconsin, Illinois, Michigan, Vermont, and Maine), for 180 days. Supporting shipper: Atlantic Forest Products Co. (subsidiary of MacMillan Bloedel Enterprises, Inc., and Fence and Allied Products Grout), Box 8, Corapeake, N.C. 27926. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 105733 (Sub-No. 53TA), filed September 22, 1975. Applicant: H. R. RITTER TRUCKING CO., INC., 928 E. Hazlewood Ave., Rahway, N.J. 07065. Applicant's representative: Chester A. Zyblut, 1523 K St., NW, Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquidified petroleum gases*, in bulk, from Newington, N.H., to points in Maine and Vermont, for 180 days. Supporting shippers: Maine Gas & Appliance Co., Inc., Waterville, Maine. Home Gas Corp., Great Barrington, Mass. Warren Petroleum Company, Tulsa, Okla. Suburban Propane Gas Corporation, Whippany, N.J. Ring's Gas & Appliance Co., Yarmouth, Maine. Lewiston Bottle Gas Co., Lewiston, Maine. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 111310 (Sub-No. 14TA), filed September 19, 1975. Applicant: BEER TRANSIT, INC., P.O. Box 338, Hartland, Wis. 53029. Applicant's representative: Wayne W. Wilson, 329 W. Wilson St., Madison, Wis. 53703. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Insulation*, from points in Dodge County, Wis., to points in Illinois, Michigan, Indiana, Ohio, Kentucky, Tennessee, Iowa, Pennsylvania, Missouri, Minnesota, New York, and New Mexico, for

180 days. Supporting shipper: Pal-O-Pak Insulation Company, Inc., 547 Progress Ave., Hartland, Wis. 53029. Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 113624 (Sub-No. 69TA), filed September 19, 1975. Applicant: WARD TRANSPORT, INC., P.O. Box 735, Pueblo, Colo. 81001. Applicant's representative: Marion F. Jones, Suite 1600 Lincoln Center Bldg., 1660 Lincoln St., Denver, Colo. 80203. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, from the terminal site of Agrico Chemical Co., at or near Falls City, Nebr., to points in Iowa, Missouri and Kansas, for 180 days. Supporting shipper: Agrico Chemical Company, P.O. Box 3166, Tulsa, Okla. 74101. Send protests to: Herbert C. Ruoff, District Supervisor, 2022 Federal Bldg., 1961 Stout St., Denver, Colo. 80202.

No. MC 115352 (Sub-No. 4TA), filed August 27, 1975. Applicant: R. H. REDIKER TRANSPORT LTD., Main Street, Beebe, Quebec. Applicant's representative: John P. Monti, P.O. Box 568, Barre, Vt. 05641. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Stone*; and (2) *Quarrying and stone manufacturing equipment, materials and supplies*, between ports of entry located on the United States-Canada Boundary line at or near North Troy, Highgate Springs, Derby Line and Norton, Vt., on the one hand, and, on the other, points in Vermont, for 180 days. Supporting shippers: Border Machine Tool and Supply Company, Inc., Beebe, Quebec. Cary Engineering & Machine Company, Inc., Camp St., Extension, Barre, Vt. 05641. Rock of Ages Corporation, Barre, Vt. 05641. Redbea, Inc., Beebe, Quebec. Cook, Watkins and Patch, Inc., 15 Blackwell St., Barre, Vt. 05641. Send protests to: Ross J. Seymour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Bldg., 55 Pleasant St., Concord, N.H. 03301.

No. MC 117119 (Sub-No. 523TA), filed September 22, 1975. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Spring, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Rubber pneumatic tires and tubes*, from the plantsite and storage facilities of Mansfield Tire & Rubber Co., Pennsylvania Tire Co., and Inland Rubber Corporation at Mansfield and Marion, Ohio, Memphis, Tenn., and Tupelo, Miss., to Denver, Colo., Phoenix and Tucson, Ariz., and points in California, Washington and Oregon, for 180 days. Supporting shipper: Mansfield Tire & Rubber Company, 515 Newman St., Mansfield, Ohio 44901. Send protests to: William H. Land, Jr., District Super-

visor, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 118922 (Sub-No. 14TA), filed September 23, 1975. Applicant: CARTER TRUCKING CO., INC., P.O. Box 126, Locust Grove, Ga. 30248. Applicant's representative: William Addams, Suite 212, 5299 Roswell Road, N.E., Atlanta, Ga. 30342. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, *materials and supplies* used in the distribution of malt beverages, (1) from Stroh Brewery, Detroit, Mich., to Louisville, Ky.; (2) from Miller Brewing Co., Milwaukee, Wis., to Louisville, Ky.; (3) from Pabst Brewery, Peoria, Ill., to Louisville, Ky.; (4) from Pabst Brewery, Perry, Ga., to Louisville, Ky., under a continuing contract or contracts with Dixie Beer Distributors, Inc., for 180 days. Supporting shipper: Dixie Beer Distributors, Inc., 4703 Allmond Ave., Louisville, Ky. 40209. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, 1252 W. Peachtree St., N.W., Room 546, Atlanta, Ga. 30309.

No. MC 119400 (Sub-No. 15TA), filed September 23, 1975. Applicant: SIMANEK, INC., 150 West 7th St., Wahoo, Nebr. 68066. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, from the terminal site of Agrico Chemical Co., at or near Falls City, Nebr., to points in Iowa, Missouri and Kansas, for 180 days. Supporting shipper: Agrico Chemical Company, J. J. Stefane, Manager of Transportation, P.O. Box 3166, Tulsa, Okla. 74101. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Bldg., & Court House, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 119789 (Sub-No. 267TA), filed September 22, 1975. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toys*, from Saddle Brook, N.J., to points in Arizona, Arkansas, California, Colorado, Idaho, Louisiana, Montana, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, and Washington, for 180 days. Supporting shipper: Gabriel Industries, 114 5th Ave., New York, N.Y. 10011. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75202.

No. MC 123407 (Sub-No. 266TA), filed September 17, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over

irregular routes, transporting: *Glass and glass glazing units* (except commodities in bulk and containers), from Webster, Mass., to Lexington, Greensboro, Charlotte and Roxboro, N.C., for 180 days. Supporting shipper: Glass Guard Company, Cudworth Road, Webster, Mass. 01570. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 129759 (Sub-No. 10TA), filed September 19, 1975. Applicant: TRIANGLE TRUCKING CO., P.O. Box 490, McKees Rocks, Pa. 15136. Applicant's representative: A. Charles Tell, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Post tension strand*, from Springfield, Va., to points in New Jersey, under a continuing contract or contracts with Atlas Prestressing Corp., Springfield, Va., for 180 days. Supporting shipper: Atlas Prestressing Corp., 7954 Cameron Brown St., Springfield, Va. 22153. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, 2111 Federal Bldg., 1000 Liberty Ave., Pittsburgh, Pa. 15222.

No. MC 139495 (Sub-No. 92TA), filed September 22, 1975. Applicant: NATIONAL CARRIERS, INC., P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Toilet preparations, household and industrial cleaning products, insect control products, air fresheners, starches, brooms, brushes, mops, germicides, and promotional materials* (except commodities in bulk), and (2) *equipment, materials, and supplies* used or useful in the manufacture, sale, and distribution of the commodities in (1) above (except commodities in bulk), (1) from Great Bend, Kans., to points in the United States (except Alaska, Hawaii, and Kansas); and (2) from points in Texas, Louisiana, Mississippi, Missouri, Illinois, Michigan, Georgia, Ohio, Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, and Vermont, to Great Bend, Kans., parts (1) and (2) restricted to the movement of traffic either originating at, or destined to, the facilities of the Fuller Brush Company, located at Great Bend, Kans., for 180 days. Supporting shipper: Fuller Brush Company, 7400 North Caldwell, Niles, Ill. 60648. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 141337 (Sub-No. 1TA), filed September 22, 1975. Applicant: J. B. TRUCKING, INC., 1832 Lakehurst Drive, Olympia, Wash. 98501. Applicant's representative: John G. McLaughlin, 620 Blue Cross Bldg., 100 S.W. Market St., Portland, Ore. 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transport-

ing: *Beverages, malt beverage containers, cartons and openers, advertising materials, brewery materials, supplies and ingredients*, between points in Thurston County, Wash., on the one hand, and, on the other, points in Oregon, under a continuing or contracts with Olympia Brewing Company, for 180 days. Supporting shipper: Olympia Brewing Company, P.O. Box 947, Olympia, Wash. 98507. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., Seattle, Wash. 98174.

By the Commission.

[SEAL] — ROBERT L. OSWALD,
Secretary.

[FR Doc. 75-26556 Filed 10-2-75; 8:45 am]

[AB 12 (Sub-No. 7)]

SOUTHERN PACIFIC TRANSPORTATION CO.

Abandonment of Services

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, *et seq.*; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Stanislaus County, Calif., on or before October 15, 1975, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 22nd day of September, 1975.

By the Commission, Commissioner Brown.

[SEAL] — ROBERT L. OSWALD,
Secretary.

AB 12 (Sub-No. 7)

SOUTHERN PACIFIC TRANSPORTATION COMPANY
ABANDONMENT BETWEEN CLARIBEL AND
MONTPELIER, IN STANISLAUS COUNTY, CALIFORNIA

The Interstate Commerce Commission hereby gives notice that by order dated September 22, 1975, it has been determined that the proposed abandonment by the Southern Pacific Transportation Company of its line of railroad between Claribel (road) and Montpelier, a distance of 13.27 miles, all in Stanislaus County, Calif., if approved by the Com-

mission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. § 4321, *et seq.*, and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because (1) the volume of traffic on the subject line is low and is generated by one shipper, (2) the state and county roads serving the affected area are adequate to accommodate the slight diversion of traffic from rail to truck transportation, and (3) the county roads link the subject line to nearby railroad stations of Applicant's and the Atchison Topeka and Santa Fe Railway.

This determination was based upon the

staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-7966.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before October 30, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc. 75-26554 Filed 10-2-75; 8:45 am]

Federal register

FRIDAY, OCTOBER 3, 1975



PART II:

DEPARTMENT OF LABOR

Occupational Safety and
Health Administration

■

LEAD

Occupational Exposure;
Proposed Standard

DEPARTMENT OF LABOR

Occupational Safety and Health
Administration

[29 CFR Part 1910]

[Docket No. H-004]

OCCUPATIONAL EXPOSURE TO LEAD

Proposed Rulemaking

Pursuant to sections 6(b) and 8(c) of the Occupational Safety and Health Act of 1970 (the Act) (84 Stat. 1593, 1599; 29 U.S.C. 655, 657), and Title 29, Code of Federal Regulations (CFR) Part 1911, it is proposed to amend Part 1910 of 29 CFR by adding a new occupational safety and health standard for exposure to lead as 29 CFR 1910.1025, and by deleting the present standard for lead and its inorganic compounds contained in Table Z-2 of 29 CFR 1910.1000. This standard would apply to all employments in all industries covered by the Act, including "general industry," construction, and maritime. In addition, pursuant to section 4 (b) (2) of the Act (84 Stat. 1592; 29 U.S.C. 653), if the new standard, when promulgated, is determined to be more effective than corresponding standards now applicable to the maritime and construction industries contained in Subpart B of Part 1910, Parts 1915, 1916, 1917, 1918, and 1926 of 29 CFR, the new lead standard will supersede the corresponding maritime and construction standards for exposure to lead. Appropriate conforming amendments will be made in Subpart B of Part 1910, and amendments to delete the superseded standards and replace them with references to the new lead standard will be made in 29 CFR 1926.55 and in similar sections of Parts 1915-1918.

The accompanying document is a proposal issued pursuant to sections 4(b), 6(b) and 8(c) of the Act. The agency requests the submission of written comments, data, and arguments from interested persons on the issues raised in the proposal. In addition, the proposal states that an informal hearing may be requested to provide further opportunity for discussion of the issues. After the hearing, if one is held, the Occupational Safety and Health Administration (OSHA) will issue a final standard based on the full record of the evidence.

The proposed standard reduces the permissible employee exposure limit to an 8-hour time-weighted average concentration, based on a 40-hour workweek, of 100 micrograms of lead per cubic meter of air (100 $\mu\text{g}/\text{m}^3$). The proposal also provides for, among other things, the determination of employee exposure, methods of compliance, personal protective equipment and clothing, training, medical surveillance and recordkeeping.

The major issues raised in this proposal include the following:

1. Whether the proposed permissible exposure limit to lead should be 100 $\mu\text{g}/\text{m}^3$; and whether this level incorporates an appropriate margin of safety;
2. Whether subclinical effects of exposure should be considered in establishing a standard for occupational exposure to any substance, in this case lead;

3. Whether compliance with the proposal is technologically and economically feasible;

4. Whether, as provided in the proposal, employers in certain specific industries should be required to conduct initial monitoring of the exposures of some employees or whether initial determinations without monitoring are sufficient for all industries;

5. Whether biological sampling and analysis should be required as a supplement to air monitoring to determine employee absorption of lead;

6. Whether the provisions for methods of compliance, medical surveillance, protective equipment and clothing, hygiene facilities, and recordkeeping are appropriate;

7. Whether warning signs and labels should be required;

8. To what extent are there groups with increased susceptibility to lead in the working population, such as women of childbearing age; and should such increased susceptibility, if it exists, be considered in establishing a standard for occupational exposure to any substance, in this case lead; and

9. What are the environmental and inflationary impacts of this proposal.

10. Whether compliance with the proposal would be technologically and economically feasible for all affected industries, and particularly for employers engaging small numbers of employees.

I. BACKGROUND

A. General.

Lead (Pb) occurs naturally in the earth's crust and is also found in the atmosphere and hydrosphere. It has been used for thousands of years because of its availability and desirable properties. By early times, there was recognition of the health hazards associated with its use, either as a metal or in compound form. Thus, it was found that lead could be absorbed by inhalation and ingestion and that lead absorption was responsible for loss of movement in printers' fingers exposed to heated lead type and for "dry gripes" in pottery and glass workers.

By the early twentieth century, studies revealed that the absorption of excessive quantities of lead (lead intoxication or plumbism) caused diseases of the kidney and peripheral and central nervous systems. For example, an analysis of death rates in the United Kingdom in 1921¹ and 1931² showed a considerable excess of deaths due to nephritis and cerebrovascular disease in plumbers and painters.

In excess of one million tons of lead are consumed yearly by industries in the United States. Potential occupational exposure to lead and its compounds occur in at least 120 occupations, including the manufacture of lead storage batteries, lead smelting, ceramic and glass working, soldering, babbiting, metal burning, painting, plumbing, working with scrap and sheet metal, and printing.

B. History of Regulation.

Although the prevalence of lead intoxication in ancient times has been the

See references following part V conclusions.

subject of some speculation, it seems likely that there was a lack of appreciation of the hazards of lead and preventive methods of limiting exposure until recent times.

Modern tests for estimating lead exposure, such as measurements of urinary and blood lead levels, urinary coproporphyrin and delta-aminolevulinic acid (ALA), are generally used to establish acceptable air lead levels and thereby to control occupational lead intoxication. At one time, an airborne exposure limit value of 500 $\mu\text{g}/\text{m}^3$ was generally accepted. Based on a recommendation of the United States Public Health Service in 1933, however, a value of 150 $\mu\text{g}/\text{m}^3$ was a common goal in industry in the 1930's and 1940's.

This value continued to be the one most often accepted until 1957, when the American Conference of Governmental Industrial Hygienists (ACGIH) increased the value to 200 $\mu\text{g}/\text{m}^3$. In 1971, however, ACGIH recommended lowering this exposure limit value back to 150 $\mu\text{g}/\text{m}^3$.

The present occupational safety and health standard for "lead and its inorganic compounds" is found in Table Z-2 of 29 CFR 1910.1000 (formerly Table G-2 of 29 CFR 1910.93) and was adopted in 1971 pursuant to section 6(a) of the Act. The permissible exposure limit, which is 200 $\mu\text{g}/\text{m}^3$ as determined on the basis of an 8-hour time-weighted average, was based on a national consensus standard of the American National Standards Institute (Z37.11-1969). When the consensus standard was originally adopted, no rationale was provided for the level selected.

In January 1973, pursuant to section 22(d) of the Act, the Director of the National Institute for Occupational Safety and Health (NIOSH) submitted to the Secretary of Labor a criteria document concerning inorganic lead, which recommended, among other things, lowering the existing permissible exposure limit from 200 $\mu\text{g}/\text{m}^3$ to 150 $\mu\text{g}/\text{m}^3$.

On 4 August 1975, the Director of NIOSH forwarded a letter to the Deputy Assistant Secretary of Labor for Occupational Safety and Health which informally revised the recommendations in the criteria document by reducing the previously recommended permissible exposure limit for airborne concentrations of lead from 150 $\mu\text{g}/\text{m}^3$ to lower ranges. This letter was the culmination of a joint effort by the staffs of both OSHA and NIOSH to analyze and review scientific data not available or relied upon in the original criteria document and which resulted in a reevaluation of earlier recommendations.

II. OCCUPATIONAL HEALTH IMPLICATIONS OF LEAD

Despite decades of research, the complex relationship between chemical exposures and human responses is still imperfectly understood. Incapacitating illness and death represent one extreme of a spectrum of responses, but other serious biological effects include physiological or metabolic changes that may be precursors or sentinels of disease. Boundaries between these categories overlap

due to the variation of individual susceptibilities and exposures in the working population.

It is customary to term "clinical" those biological changes that are known to directly indicate disease. Those changes of subtler significance which may not be symptoms of presently known or detectable disease are called subclinical. For example, as pointed out below, the average adult, when lead in the blood exceeds 40 $\mu\text{g}/100\text{g}$, will begin to excrete increased quantities of ALA into the urine, reflecting an enzyme inhibition caused by lead. Were the amounts of ALA to reach a certain level in the urine, it could cause anemia and otherwise adversely affect the human body. However, it is not known with certainty at what level this enzyme inhibition becomes clinically important. What we do know is that such excretion is not physiologically desirable.

As we point out below, the proposal is designed to provide a permissible exposure limit for the working population that should protect against known clinical effects of lead exposure. In addition, subclinical effects in workers would be substantially reduced. In any event, the question of both clinical and subclinical effects should be fully discussed in comments submitted as well as at the hearing, if one is held, and might necessitate a different permissible exposure limit in the final standard than that proposed.

A. General Discussion and Clinical Effects.

The primary sources of lead absorption in workers are the inhalation and ingestion of industrial lead. Deposition and retention of absorbed lead in body tissues is variable, but it is found in the brain, liver, kidney, aorta, muscles and bones. Absorbed lead is transported to these tissues via the blood system and some portion is removed from the body, primarily through the alimentary tract and urinary system.

Lead intoxication, in its severest forms, can cause permanent damage to the body or cause death. Observed clinical effects include damage to the central nervous system, including the brain, i.e., acute and chronic encephalopathy, damage to the peripheral nervous system, damage to the kidneys and damage to the blood forming process which may lead to anemia. Symptoms which may vary in severity include colic, i.e., abdominal pain; loss of appetite; constipation; excessive tiredness and weakness; nervous irritability and fine tremors. Encephalopathy is the most severe acute clinical form of lead intoxication. It may arise precipitously with the onset of intractable seizures, followed by coma, cardio-respiratory arrest and death. In peripheral neuropathy, the distinguishing clinical feature of lead intoxication is a predominance of motor impairment, with minimal or no sensory abnormalities. There is a tendency for the extensor muscles of the hands and feet to be affected. Lead intoxication has also resulted in kidney damage with few, if any, symptoms appearing until permanent

damage has occurred. In addition, the use of chelating agents, such as Ca-EDTA, to remove lead from the body increases the risk of kidney damage or failure.

A number of studies have sought to relate clinical symptoms and effects caused by lead exposure on workers' blood lead levels. There is little disagreement that the risk of clear-cut clinical symptoms related to exposure increases as blood lead levels rise above 80 $\mu\text{g}/100\text{g}$. In addition, a number of studies have observed symptoms and effects caused by exposure to lead at blood lead levels below 80 $\mu\text{g}/100\text{g}$. While 80 $\mu\text{g}/100\text{g}$ is a useful lower range for observed clear-cut clinical symptoms, we do not regard it as a sharp delineation above which clear-cut symptoms occur in all workers and below which clear-cut symptoms do not occur. Further, workers with blood lead levels above 80 $\mu\text{g}/100\text{g}$ without clear-cut symptoms may have milder symptoms caused by lead exposure. It should be noted that in evaluating studies which seek to relate blood lead levels to symptoms of lead exposure, it is rarely possible in clinical situations to determine the amount of lead absorbed before the onset of symptoms of lead intoxication.

A 1960 study by Kehoe, based on observations of occupationally exposed men who were otherwise healthy, reports that clear-cut symptoms of acute lead intoxication are associated with a blood lead level above 80 $\mu\text{g}/100\text{g}$ of whole blood.²³ Moreover, he observed that as concentrations of blood lead rise above 80 $\mu\text{g}/100\text{g}$, the likelihood of lead intoxication increases, although such concentrations do not necessarily result in lead intoxication in all individuals. The Kehoe study is not conclusive, however, as to whether symptoms of lead intoxication occur in workers at blood lead levels below 80 $\mu\text{g}/100\text{g}$ of whole blood.

Several reports of symptoms occurring in employees whose blood lead levels were below 80 $\mu\text{g}/100\text{g}$ are referenced in the National Academy of Sciences (the Academy) report on lead entitled, "Airborne Lead in Perspective,"²⁴ but the Academy, itself, cautioned that "these reports are difficult to evaluate . . ." for several reasons. One reason was that these reports might reflect the presence of blood lead levels that were actually higher than 80 $\mu\text{g}/100\text{g}$ before the blood levels were measured.

Other studies, not cited in the Academy's document, have also been reported. One such study, reported in 1969 by Beritic, found that lead colic could be associated with blood lead levels ranging from 40 to 80 $\mu\text{g}/100\text{g}$.²⁵ Again, it is difficult to evaluate this study because it does not state the length of time the subjects experienced symptoms of lead colic before they were reported.

A report by Blejer of NIOSH states that in California from 1968 to 1974 there were 45 cases of blood lead levels less than 80 $\mu\text{g}/100\text{g}$ in which the reporting physician described acute symptomatology due to lead exposure, diagnosed lead intoxication, prescribed specific treatment, such as chelating agents, and/or recommended removal from lead

exposure.²⁶ In a presentation before the Conference on Occupational Lead and Arsenic Exposure in February 1975, Culver noted the presence of symptoms compatible with lead intoxication among workers in California whose blood lead levels were under 80 $\mu\text{g}/100\text{g}$ of whole blood.²⁷

Another study by Sakurai, et al. in 1973 found that subjective symptoms due to lead exposure among Japanese workers were not experienced at blood lead levels of about 50 $\mu\text{g}/100\text{g}$ and less.²⁸

In summary, it is OSHA's judgment that the probability of clinical symptoms of lead intoxication appearing is increased as blood lead levels rise above 80 $\mu\text{g}/100\text{g}$. There are also data, however, to suggest that such symptoms may occur at blood lead levels under 80 $\mu\text{g}/100\text{g}$, although perhaps not under 50 $\mu\text{g}/100\text{g}$.

B. Subclinical Effects.

As noted above, lead may produce changes in biochemical and physiological parameters which occur at blood lead levels lower than those usually associated with overt clinical effects. The point at which subclinical changes become sufficiently serious to represent a threat to health is not clearly defined. As subclinical changes become more pronounced, however, some scientists believe that there is a greater probability that health is being impaired and/or that clinical symptoms will occur. For example, as pointed out below, the biosynthesis of heme is impaired by lead intoxication, as suggested by the excessive excretion of the metabolites, ALA and coproporphyrin (COPRO), into the urine. The appearance of excess ALA in the urine is observed at blood lead levels of 40-60 $\mu\text{g}/100\text{g}$.²⁹ The Academy states in its lead report that the exponential increase in ALA excretion associated with a blood lead concentration of 40 $\mu\text{g}/100\text{g}$ signifies inhibition of delta-aminolevulinic acid dehydrogenase (ALAD) that is physiologically significant in the human body.³⁰ This disturbance, if sufficient, may lead to overt hematological changes, such as anemia and basophilic stippling of the erythrocytes.

Early damage to the nervous system, which has limited regenerative capacity, has also been observed. These effects may be more serious than the biochemical subclinical changes referred to below. For example, Seppäläinen has observed subclinical neuropathy in lead workers whose blood lead levels never exceeded 70 $\mu\text{g}/100\text{g}$, based upon slowing of the maximal motor conduction velocities of the median and ulnar nerves, particularly the slower fibers of the ulnar nerve.³¹ The results of these studies show effects that were similar to, although milder than, the nerve conduction changes seen in an earlier study of workers with clinical symptoms of lead intoxication.³² While some of the test subjects in the earlier study had a prior history of overt lead intoxication, this was not true in the later study.

The fact that workers whose blood lead levels never exceeded 70 $\mu\text{g}/100\text{g}$ exhibit damage to the nervous system which is

²³ See references following part V conclusions.

similar to, although milder than, that found in workers with a history of clinical symptoms and with higher blood lead levels, suggests that these milder effects are also significant. These data raise questions as to whether nervous system damage caused by increased lead absorption in the subclinical range is reversible and whether there is a continuum of damage to the nervous system in workers with blood lead levels below, as well as above, 70 $\mu\text{g}/100\text{g}$.¹² Based upon these data, Seppäläinen concluded, "... that no damage to the nervous system should be accepted and that, therefore, present concepts of safe and unsafe blood lead levels must be reconsidered."¹³

The data of Seppäläinen agree reasonably well with those of Repko, Morgan, and Nicholson who studied behavioral measures of task performance among workers exposed to lead in storage battery manufacturing companies. While intellectual functions were unaffected by increases in body burden of lead, hand, sensory (hearing), neuromuscular or psychomotor (tremor, eye-hand coordination, muscular strength, and endurance) and psychological (hostility, aggression, and general dysphoria) functions were all influenced by the body burden of lead.¹⁴ The strongest relationships between exposure and effects were found with tests of neuromuscular and psychomotor functions and major changes on the preferred side of the body were observed at blood levels between 70 and 79 $\mu\text{g}/100\text{g}$.

In this regard, recent studies among children showing mild neurological disability and possible hyperactivity have in part been responsible for revised recommendations by the U.S. Public Health Service to consider children with blood lead levels between 30-49 $\mu\text{g}/100\text{g}$ to have minimally elevated lead exposures requiring reductions of lead intake from all sources.¹⁵ While observations in children cannot be directly extrapolated quantitatively to adult workers because children may be more susceptible to lead, the qualitative similarity of mild nervous system damage in children at blood lead levels below those associated with overt toxicity in adults is worthy of note. In this context, the U.S. Public Health Service concluded for children that, "... the statistical likelihood of clinical symptoms and permanent damage increases at least arithmetically with confirmed blood lead levels above 30 $\mu\text{g}/100\text{g}$."¹⁶

In areas of biochemical effects caused by lead, as noted above, a number of studies have shown changes which may represent early physiologic damage caused by lead at blood lead levels at least as low as 40 $\mu\text{g}/100\text{g}$. For example, in the Academy's report on lead, it is stated, "... the exponential increase in ALA excretion associated with blood lead content above approximately 40 $\mu\text{g}/100\text{g}$ of whole blood signifies inhibition of ALAD that is physiologically significant *in vivo*."¹⁷ Inhibition of ALAD represents an interference in the biochemical pathway of hemoglobin synthesis that is man-

ifested as clinical anemia at much higher blood lead levels. In this regard, Cooper and Tabershaw observed increases in the proportion of workers with abnormally low hemoglobin concentrations at blood lead levels in the 70-99 $\mu\text{g}/100\text{g}$ range compared to workers with lower blood lead levels.¹⁸ Evidence of anemia was most prevalent in workers with blood lead levels above 100 $\mu\text{g}/100\text{g}$. Observations by Tola, et al. of decreases in hemoglobin and hematocrit levels among workers entering occupational lead exposure for the first time in their lives at blood lead levels in the 40-60 $\mu\text{g}/100\text{g}$ range are also consistent with interferences in the hemoglobin pathway which may occur at blood lead levels of 40 $\mu\text{g}/100\text{g}$ and above.¹⁹ Additional instances of measurable decreases in hemoglobin levels among new lead employees are also available.²⁰ While these workers may return to preemployment or almost preemployment hemoglobin levels at a later date,²¹ these changes may still represent decreases in man's physiologic reserve caused by lead. These observations are also consistent with other studies of effects of lead upon blood forming elements.²²

In addition to the effects of lead upon ALAD in immature and mature red blood cells, inhibition of the ALAD enzyme has also been observed in the liver. Secchi, et al. observed correlations between ALAD activity in circulating red blood cells and in liver tissue of 22 subjects not occupationally exposed to lead.²³ While it is known that ALAD does not play a metabolic role in the mature red blood cell, its importance in the immature red blood cell is established. Further, ALAD is important in the synthesis of heme containing respiratory enzymes, i.e., catalase and cytochromes. In other tissues, accordingly, inhibition of ALAD in hepatic tissues may be of biologic significance although its true impact upon health may not be clear due to the presence of an enzyme reserve in liver tissues.

Additionally, studies have reported that Sodium/Potassium Adenosine Triphosphatase, an enzyme involved in cellular metabolism, has been inhibited at blood lead level under 40 $\mu\text{g}/100\text{g}$.²⁴ In contrast to ALAD, this enzyme carries out a fundamental biological function not only in the mature red blood cell but in other tissues as well.

C. Increased Susceptibility in Some Workers.

Recent studies of the toxicological effects of exposure to lead indicate certain groups of adult workers may have greater susceptibility to lead intoxication than the general worker population. One such group is female employees of childbearing age. It is known that lead absorbed into the bloodstream of pregnant women crosses the placental barrier and enters the blood of the fetus. This is of great concern because excessive exposure to lead during pregnancy has caused neurological damage in children.²⁵ As noted in the Academy's report, the risk to the fetus from intrauterine exposure to high levels of lead in the mother's blood is

maximal in the first trimester of pregnancy when the condition of pregnancy may not be known with certainty.²⁶ It has also been established that the umbilical blood lead concentration in the fetus is similar to that found in the mother's blood.²⁷ This raises the serious possibility that the blood lead level in the mother might harm the fetus without producing any clinical symptoms of lead exposure in the mother.

The extensive data on lead intoxication in children indicate that for several reasons, including their rapid growth, children may be susceptible to lead intoxication at lower blood lead levels than adults.²⁸ The U.S. Public Health Service considered this and other factors when it recommended, in March 1975, that blood lead levels in children be kept below 30 $\mu\text{g}/100\text{g}$.²⁹

In addition to women of childbearing age, another group of workers who may have increased susceptibility to the toxic effects of lead are those already suffering from conditions such as anemia or renal insufficiency. Of particular concern is the likelihood that persons with the sickle cell trait may be subjected to a greater risk to their health from occupational exposure to lead.

OSHA believes that it is appropriate to consider these sizeable groups which may exhibit greater susceptibility in setting a level which applies to all workers, in view of our objective, consistent with section 6(b)(5) of the Act, to set standards which protect more than just the least susceptible employees and in view of the need to assure the fullest employment opportunities for all American workers. Commenters are invited to address themselves to this issue.

D. Chronic Effects of Lead and Mortality Experience of Lead Workers.

Apart from the effects of lead on enzyme systems and the possible appearance of mild clinical symptoms at blood lead levels in the range of 40-80 $\mu\text{g}/100\text{g}$, there is concern that continued low level exposure to lead may increase the risk of developing chronic disease as well as contribute to the shortening of life. In a recent mortality study by Cooper and Gaffey of lead smelter and battery plant workers, evidence was produced suggesting that prolonged exposure to lead may increase the risk of contracting a number of chronic diseases, such as nephritis and other hypertensive diseases.³⁰ Additionally, the standard mortality ratios (SMR's) observed by Cooper and Gaffey for all causes of death in the smelter and battery workers were 107 and 99, respectively.³¹ These SMR's were only slightly different from an SMR of 100 which represents that of the general population.

The authors did not consider this small deviation of the workers' SMR's from that of the general population to be of any medical significance. It should be noted, however, that results of mortality studies are frequently subject to differing interpretations among scientists. In this regard, several important factors in evaluating the mortality experience of workers compared to the general population deserve mention. For example, it

See references following part V conclusions.

is generally concluded that when the mortality rate of the study population does not exceed that of the general population, no excess death rates were found in the study population. However, since the worker population tends to be healthier than the general population, the expected death rates for workers should be lower than the expected death rates for the general population. Thus, SMR's for workers should be lower than 100 and perhaps should be in the range of 80 to 90. If this is so, the SMR's found by Cooper and Gaffey in lead workers are more significant. In any case, OSHA desires that the issue of appropriate SMR's for the working population, which involves evaluation of other toxic substances as well as lead, be addressed in comments submitted on this proposal.

Another critical factor in evaluating this mortality study is whether enough individuals were followed for an adequate period of time following onset of their exposure to lead to allow for the development of chronic diseases. Thus, the status (living or dead) of workers followed was ascertained at the end of 1970. Since nearly 1,400 of the 2,352 smelter workers started work in 1950 or later and nearly 1,700 of the 4,680 battery workers began work in 1950 or later, insufficient time may have passed following onset of exposure to permit the development of chronic diseases in a high proportion of those studied. As a result, although the latency period is unknown, these results may be somewhat diluted by the composition of the workers who were studied.

Of all the suggestive positive results from the Cooper and Gaffey study, the findings of a nearly two-to-threefold excess in nephritis among workers exposed to lead appears to be reasonably well supported by data from previous studies. For example, a number of earlier studies have observed an increase in nephritis in workers exposed to lead.²¹ In these observations, the possible interactive effects between lead and other renal toxic agents, such as cadmium, cannot be ruled out.

The relative absence of renal disease seen among workers in recent years has at times been interpreted as evidence that renal damage is not likely to occur among workers at current levels of exposure. Two recent observations, however, suggest that this may not be so. Vitale, et al. observed evidence of lead nephropathy based upon renal functions and biopsy studies in three workers with blood lead levels below 80 µg/100g.²² Cramer, et al. observed effects of exposure to lead upon the kidneys after four or more years' exposure, including a decreased ability of proximal tubular cells in the kidneys to form inclusion bodies and a decrease in the ability of the kidneys to excrete lead accompanied by a moderate degree of fibrosis. These changes were not characterized by any gross impairment of renal function. The authors considered it doubtful, however, that these changes were completely reversible. A critical question raised by this

study is whether these changes could increase the risk of lead nephropathy with frank renal failure as has been observed in some instances.

III. PERTINENT LEGAL AUTHORITY

The primary purpose of the Act is to assure so far as possible safe and healthful working conditions for every working man and woman. One means prescribed by Congress to achieve this goal is the authority vested in the Secretary of Labor to set mandatory safety and health standards. The standards setting process under section 6 of the Act is an integral part of an occupational safety and health program in that the process permits the participation of interested parties in consideration of medical data, industrial processes and other factors relevant to the identification of hazards and the selection of appropriate control measures. Occupational safety and health standards provide notice of the requisite conduct or exposure level and provide a basis for ensuring the existence of safe and healthful workplaces. The Act provides that:

The Secretary, in promulgating standards dealing with toxic materials or harmful physical agents under this subsection, shall set the standard which most adequately assures, to the extent feasible, on the basis of the best available evidence, that no employee will suffer material impairment of health or functional capacity even if such employee has regular exposure to the hazard dealt with by such standard for the period of his working life. Development of standards under this subsection shall be based upon research, demonstrations, experiments, and such other information as may be appropriate. In addition to the attainment of the highest degree of health and safety protection for the employee, other considerations shall be the latest available scientific data in the field, the feasibility of the standards, and experience gained under this and other health and safety laws. (Section 6(b)(5))

Sections 2(b)(5) and (6), 20, 21, 22, and 24 of the Act reflect Congress' recognition that conclusive medical or scientific evidence, including causative factors, epidemiological studies or dose-response data, may not exist for many toxic materials or harmful physical agents. Nevertheless, standards cannot be postponed because definitive medical or scientific evidence is not currently available. Indeed, while final standards are to be based on the best available evidence, the legislative history makes it clear that "it is not intended that the Secretary be paralyzed by debate surrounding diverse medical opinion." House Committee on Education and Labor, Report No. 91-1291, 91st Cong., 2d Session, p. 18 (1970). This Congressional judgment is supported by the courts which have reviewed standards promulgated under the Act. In sustaining the standard for occupational exposure to vinyl chloride (29 CFR 1910.1017), the U.S. Court of Appeals for the Second Circuit stated that, "It remains the duty of the Secretary to act to protect the working man, and to act even in circumstances where existing methodology or research is deficient." (The Society of the Plastics Industry, Inc. v. United States Department of Labor), 509 F. 2d 1301

(2nd Cir. 1975), *cert den*, sub nom., "Firestone Plastic Co. v. United States Department of Labor," — U.S. —, 43 U.S.L.W. 3525 (27 May 1975)).

A similar rationale was applied by the U.S. Court of Appeals for the District of Columbia in reviewing the standard for occupational exposure to asbestos (29 CFR 1910.1001). The Court stated:

Some of the questions involved in the promulgation of these standards are on the frontiers of scientific knowledge, and consequently as to them insufficient data is presently available to make a fully informed factual determination. Decision-making must in that circumstance depend to a greater extent upon policy judgments and less upon purely factual judgments.

(Industrial Union Department, AFL-CIO v. Hodgson), 499 F.2d 467, 474 (D.C. Cir. 1974).

In setting standards, the Secretary is expressly required to consider the feasibility of the proposed standards. Senate Committee on Labor and Public Welfare Report No. 91-1282, 91st Cong., 2d Sess., p. 58 (1970). Nevertheless, considerations of technological feasibility are not limited to devices already developed and in use. Standards may require improvements in existing technologies or require the development of new technology. The Society of the Plastics Industry, Inc. v. United States Department of Labor, 1309 U.S. —, 43 U.S.L.W. 3625 (27 May 1975).

Where appropriate, the standards are required to include provisions for labels or other forms of warning to apprise employees of hazards, suitable protective equipment, control procedures, monitoring and measuring of employee exposure, employee access to the results of monitoring, and appropriate medical examinations. Where a standard prescribes medical examinations or other tests, they must be made available at no cost to the employee (Section 6(b)(7)). Standards may also prescribe recordkeeping requirements where necessary or appropriate for enforcement of the Act or for developing information regarding occupational accidents and illnesses (Section 8(c)).

IV. THE PROPOSAL

In the development of this proposal, OSHA has extensively utilized a number of scientific studies, including the document, "Criteria for a Recommended Standard . . . Occupational Exposure to Inorganic Lead," developed by NIOSH, subsequent recommendations by the staffs of NIOSH and OSHA, and a National Academy of Science report on lead.

The following section discusses and analyzes the significant issues contained in the text of the proposed standard for occupational exposure to lead. Comments and information are requested to be submitted on all of the issues discussed in this preamble and raised by the proposed standard.

A. Scope and Application.

The proposed standard would apply to all workplaces in all industries, including

²¹ See references following part V conclusions.

construction and maritime as well as "general industry," where lead is occupationally present or released and over which OSHA has jurisdiction. However, not all requirements of the standard will apply to every employer regardless of the conditions in the workplace. Where an employer determines in accordance with § 1910.1025(e) that employee exposure is below one-half the permissible exposure limit (the "action level"), only provisions such as training, housekeeping, hygiene practices and recordkeeping will be applicable. Where exposures reach or exceed the action level, additional requirements would apply, including medical surveillance and a full air monitoring program. Exposures to airborne concentrations of lead in excess of the permissible exposure limit trigger still further requirements, including: reduction of exposures to or below the permissible exposure limit by means of engineering controls supplemented by work practice controls; use of specified respirators; and use of appropriate protective clothing and equipment.

The "lead" to which this proposal applies is defined as including metallic lead (Pb), all inorganic lead compounds, e.g., lead oxides and inorganic lead salts, and organic lead salts such as lead soaps. Organic lead salts are covered by the proposed standard because the toxicity of lead in these organic compounds is generally the same as that in inorganic lead salts. Other organic lead compounds, such as tetraethyl lead and tetramethyl lead, are covered by existing standards in § 1910.1000, and are not affected by this proposal. Likewise, the remaining organic lead compounds that are not covered by OSHA standards will be treated in separate standards to be developed in the future, also because of their differing individual toxicological properties. Lead arsenate is covered by this proposal to the extent of the lead content in the compound. Lead arsenate is also covered by the proposed standard on occupational exposure to inorganic arsenic (21 January 1975; 40 FR 3392) which applies to its arsenic content.

B. Permissible Exposure Limit.

The proposed standard sets a permissible exposure limit of 100 micrograms of lead per cubic meter of air, as an 8-hour time-weighted average, based on a 40-hour workweek. This permissible exposure limit is based on a correlation of airborne concentrations of lead with blood lead levels which have been associated with adverse effects and symptoms of lead exposure. Thus, establishing the permissible exposure limit requires first a determination of the blood lead levels associated with adverse effects and symptoms of lead exposure and then correlating these blood lead levels with airborne concentrations of lead.

In setting a permissible exposure level, consideration must also be given to providing an adequate margin of safety. Thus, while it is clear that we cannot permit employees to be exposed to levels of toxic substances which are known to be harmful, prudence dictates that we con-

sider setting maximum exposure levels which provide a certain margin of safety below the known harmful levels.

Establishing an appropriate level which incorporates a safety margin for any given substance is, at best, extremely difficult because empirical data may not be available. With respect to lead, it is known that clear-cut clinical symptoms of lead intoxication appear in workers whose blood lead levels are approximately 80 $\mu\text{g}/100\text{g}$ or greater and that some effects and mild symptoms may appear at somewhat lower levels. In view of the appearance of some effects and mild symptoms below 80 $\mu\text{g}/100\text{g}$, the need to provide a margin of safety below the known harmful level is manifest.

Our present judgment is that in order to provide the appropriate margin of safety, as well as to provide significant protection against the effects, clinical or subclinical, and the mild symptoms which may occur at blood lead levels below 80 $\mu\text{g}/100\text{g}$, it is necessary to set an airborne level which will limit blood lead levels to 60 $\mu\text{g}/100\text{g}$. A maximum blood lead level of 60 $\mu\text{g}/100\text{g}$ corresponds to a mean blood level of about 40 $\mu\text{g}/100\text{g}$, since a mean level of 40 $\mu\text{g}/100\text{g}$ will result in a range in workers of approximately 20 $\mu\text{g}/100\text{g}$ at the lower limits to 60 $\mu\text{g}/100\text{g}$ at the upper limits. Having determined the maximum blood lead level which the protection of employees and prudence permits, and the corresponding mean blood lead level, it is necessary to correlate these levels to the extent possible with air lead levels in order to establish the permissible exposure limit.

As noted, the proposal would establish a permissible exposure limit for airborne concentrations of lead at 100 $\mu\text{g}/\text{m}^3$ as determined on an 8-hour time-weighted average based on a 40-hour workweek. It would not establish as a requirement of the standard maximum employee blood lead levels with which the employer would have to comply, because of the many individual variables involved over which the employer has little direct control, such as poor personal hygiene of employees and off-the-job exposures. However, the correlation between blood lead levels and air lead levels have been used in arriving at the proposed air lead exposure limit because the data indicate that if air lead levels of 100 $\mu\text{g}/\text{m}^3$ are maintained, the maximum upper blood lead levels of workers should remain below 60 $\mu\text{g}/100\text{g}$.

The study of Williams, et al. which seeks to correlate blood lead levels with air lead levels is the most comprehensive reported study of its kind. While the correlations contained in the study are, we believe, reliable, the study does not precisely correlate blood lead levels and air lead levels because it does not take into account the effect that the size of lead particles in the air has upon the amount of inhaled lead absorbed into the body. In addition, air lead determinations inherently have a higher variability than do blood lead levels. It should be noted that the study correlates the mean blood lead level, together with the lower and upper ranges, with air lead levels. In order to keep all or most employees' blood

lead levels below 60 $\mu\text{g}/100\text{g}$, we have focused upon the upper blood lead ranges rather than the mean blood lead ranges discussed by Williams.²⁴

The Williams data suggest that air lead levels of 200 $\mu\text{g}/\text{m}^3$ correspond to a range of 48-92 $\mu\text{g}/100\text{ml}$ of lead in blood with a mean level of 70 $\mu\text{g}/100\text{ml}$ (84 $\mu\text{g}/100\text{ml}$ = 80 $\mu\text{g}/100\text{g}$). Air lead levels of 150 $\mu\text{g}/\text{m}^3$ correspond to a range of 38-82 $\mu\text{g}/100\text{ml}$ with a mean blood lead level of 60 $\mu\text{g}/100\text{ml}$. It is apparent, therefore, because of these ranges, that airborne lead levels of 200 or 150 $\mu\text{g}/\text{m}^3$ would result in unacceptable blood lead levels, i.e., greater than 60 $\mu\text{g}/100\text{ml}$ for a significant number of employees.²⁵

Data correlating somewhat lower blood lead levels, such as 60 $\mu\text{g}/100\text{g}$, to air lead levels are not definitive. Thus, the regression equation relied upon in Williams' study is based upon data which do not contain a critically important value—the blood lead level corresponding to an air lead level of 52 $\mu\text{g}/\text{m}^3$. If it is assumed that the Williams regression equation is correct, an air lead level of 50 $\mu\text{g}/\text{m}^3$ would correspond to a mean blood lead level of 40 $\mu\text{g}/100\text{g}$, with an upper limit of approximately 60 $\mu\text{g}/100\text{g}$. However, as noted above, critical data are missing which leaves doubt as to the correctness of this projection. The regression equation is unduly weighted by data at either extreme, and extrapolation of this equation to predict the air lead—blood lead relationship beyond the limits of measured data is somewhat speculative. In any event, the study by Williams, even with its limitations, provides the best available data with respect to the air lead—blood lead relationship in industrial exposure situations. Clearly, the Williams study shows that to achieve a mean blood lead level of 40 $\mu\text{g}/100\text{g}$ would require an 8-hour air lead concentration of less than 150 $\mu\text{g}/\text{m}^3$ based on a time-weighted average.

The study by Sakurai, et al.²⁶ is also helpful in correlating blood lead levels to air lead levels. Sakurai's study observed that a group of lead workers in Japan who were exposed to a mean concentration of lead in the air of 58 $\mu\text{g}/\text{m}^3$ had an average blood lead level of 52 $\mu\text{g}/100\text{g}$. It is unlikely, however, that many workers in this group had blood lead levels over 60 $\mu\text{g}/100\text{g}$, based upon the small standard deviation in blood lead determinations.²⁷ Considering both the Williams study (in the absence of the measured data at 40 $\mu\text{g}/100\text{g}$) and the Sakurai study, it appears that to keep individual blood lead levels below 60 $\mu\text{g}/100\text{g}$, the mean air lead level would have to be less than 150 $\mu\text{g}/\text{m}^3$, but probably not less than 50 $\mu\text{g}/\text{m}^3$. Although these data are the best available evidence, they do not precisely define the air lead level within the 50-150 $\mu\text{g}/\text{m}^3$ range which corresponds to a mean blood lead level of 40 $\mu\text{g}/100\text{g}$ and an upper blood lead level of 60 $\mu\text{g}/100\text{g}$. In these circumstances, we believe it is appropriate to propose for the permissible exposure limit the air lead concentration that falls in the middle of this range, that is, 100 $\mu\text{g}/\text{m}^3$, as the air lead level which is

²⁴ See references following part V conclusions.

likely to maintain the upper range of workers' blood lead levels below 60 µg/100g.

The permissible exposure limit is based on an 8-hour time-weighted average (TWA) concentration. Nonetheless, OSHA recognizes that workshifts can extend beyond the regular 8-hour period as the result of overtime or other alterations of the work schedule. This extension of worktime also extends the time during which the employee is exposed. The effects of this additional exposure time should be considered in arriving at a permissible level of exposure. For the purpose of calculating such a level, the relationship of concentration and length of time of exposure has been assumed to be linear. As the exposure time increases, the factor of concentration multiplied by time ($C \times T$) should remain constant. As a result, it is believed that by equating exposure with the 8-hour time-weighted average, reasonable assurance of maintaining a safe exposure level is retained.

C. Initial Determinations and Measurements of Exposure

Under the provisions of paragraph (e) in this proposed standard, all employers would be required to make an initial determination of employee exposure to airborne concentrations of lead. This initial determination may be based on such considerations as the amount of lead present in the workplace, type of lead operations being performed, the amount and type of ventilation, and/or the proximity of employees to the sources of emission. Also, employers must consider employee complaints of symptoms that may be attributable to lead exposure. Additionally, if the employer has performed any measurements, these must be considered in the determination. The employer must be certain that the determination reflects employee exposure conditions over the working day.

In establishments having more than one work operation involving the use of lead, an initial determination must be made for each operation. Also, the determination must be repeated each time there is a change in production, process, or control measures which may result in additional exposures, or whenever the employer has any reason to suspect that a change in exposure conditions has occurred.

If the results of the initial determination are positive, indicating that any employee is possibly exposed to concentrations at or above the action level, the employer would be required to implement a program to measure the exposures of all affected employees. Because the determination has indicated possible exposures at or above the action level, thus triggering the exposure measurement program with its own recordkeeping requirements, no separate written record of the positive determination need be made.

The results of the exposure measurement program thus triggered would determine which of the following actions must be taken by the employer: (1) If measurements show that an employee is exposed to concentrations at or above the

action level, but below the permissible exposure limit, measurements of that employee's exposure must be repeated at least every three months; (2) If measurements show that an employee is exposed to concentrations above the permissible exposure limit, the employer would be required to measure that employee's exposure at least monthly. Such exposures also trigger other actions on the part of the employer, such as notifying the employee of the overexposure and instituting engineering and work practice controls, to reduce the exposure to at or below the permissible exposure limit; or (3) If the results of two consecutive measurements, taken not less than five working days apart, show that an employee is not exposed at or above the action level, the measurement program may be terminated for that employee.

If the results of the initial determination are negative, that is, if it is determined that no employee is exposed at or above the action level, a written record of this determination must be made. This record must include any information or observations that indicate whether an employee may be exposed at or above the action level, such as employee complaints of signs or symptoms that may be attributable to overexposure. Further, the determination record must include any measurements of lead exposures taken, and the names and social security numbers of the employees considered under this determination.

OSHA has concluded that in certain industries which have significant lead exposures a negative determination of employee exposure cannot be made solely on the basis of the aforementioned considerations. It is believed, on the basis of the best available evidence, that employers in some industries or performing certain operations are so likely to have employees exposed to lead in excess of the action level that monitoring of employees must be conducted as part of the initial determination. These employers have places of employment involved in lead metalizing, spray painting with "red lead," scraping or sanding lead paint, pouring leaded iron, pouring and grinding of bearing bronze, manufacturing lead storage batteries, lead smelting, lead burning, lead homogenizing, burning lead-painted steel, mixing lead powder, sanding and grinding lead, mixing lead paints, spraying of chrome yellow paint, wire patenting, steel tempering, pouring and grinding bronze, casting lead, lead stereotyping, soldering, tinning and sawing lead. Employers involved in these operations would be required to select representative employees from the group which the employer determines has the greatest exposure to concentrations of airborne lead and conduct monitoring of these employees' exposures. The selection of the group of employees to monitor must be based on at least the criteria previously mentioned as considerations for an initial determination.

If the limited initial monitoring indicates exposures above the action level for any of those employees, monitoring representative of the exposures of all

employees would be required just as in the case of a positive initial determination. If the monitoring indicates exposures below the action level, a second monitoring must be done of the same employees to confirm those results. Where the second monitoring also indicates exposures below the action level, a negative determination shall be made and a written record reflecting it, as in other negative determinations, shall be completed.

The proposal provides for the termination of exposure measurements of the high-risk employee group, as well as of the measurements required after a positive determination, when two samples indicate levels below the action level. Two samples, rather than one, are required to allow for the normal variability of individual exposure measurements, which may produce unrepresentative samples. A requirement for a minimum period of five working days between samples has been included to ensure that any recorded decrease in exposure levels is not merely a short-term reduction. It should be noted that the termination of monitoring would be effective only as long as there is no change in production, process or control which could result in increased exposure. If such a change occurs, the procedure, beginning with the initial determination, must be repeated.

D. Methods of Exposure Measurement

The proposal would require that exposure measurements represent the actual exposure conditions for each employee. Any appropriate combination of long-term or short-term samples would be acceptable, but all exposures would have to be calculated on an 8-hour time-weighted average based on a 40-hour workweek.

The proposal states that the accuracy of the sampling and measurement method must have a confidence level of 95%. The term "accuracy" refers to the difference between the measured value and the true concentration. It allows for both the random variation of the method (its precision) and the difference between the average result from the method and the true value (bias of the method). The required accuracy for concentrations equal to or greater than the action level is 20% at a 95% confidence level. This means that out of a long series of measurements, 95% must be within 20% of the true value.

E. Methods of Compliance and Technological Feasibility

1. *Compliance procedures.* The proposed standard would require that employers immediately institute feasible engineering controls to reduce employee exposure to lead where that exposure exceeds the permissible exposure limit. In workplaces where engineering controls that can be instituted immediately will not reduce exposure to the permissible exposure limit, the controls must nonetheless be implemented to reduce exposures to the lowest practicable level, and supplemented by the use of work practice controls. Work practices are proposed as supplemental, not primary, control measures, because they are effective

tive only when strong supervisory control is maintained. Respirators should only be used in those circumstances where both the feasible engineering and work practice controls are insufficient to reduce exposure to or below the permissible exposure limit.

In addition to the institution of engineering and work practice controls, a written program must be established and implemented to reduce exposures to the permissible exposure limit solely by means of engineering controls and supplementary work practices. The plan must include a schedule for implementation of the compliance program where the controls cannot be instituted immediately. The proposal provides that this program must be furnished upon request to the Secretary and the Director of NIOSH and be available at the worksite. The employer is required to review and update the plan at least every six months to reflect the current status of the compliance program. While the employer is required to maintain and implement a written compliance plan, the employer's following of the plan does not necessarily mean that he is doing all that is technologically feasible to comply with the standard. Thus, even if the employer is complying with his own plan, this would not preclude citation for violating the standard, if it is determined that other feasible engineering controls could have been, but were not, implemented.

2. Technological feasibility.

On the basis of control technology generally in use today and information obtained through OSHA's current compliance activities under the existing standard, it appears that it is technologically feasible to reduce employee exposure to or below the permissible exposure limit. Further information is requested as to the feasibility of reaching the permissible exposure limit solely through the use of engineering controls and supplementary work practices. In addition, information is sought as to any specific difficulties associated with the supplementary work practices and personal protective controls which might affect the feasibility of reducing exposure to the permissible exposure limit.

F. Respiratory Protection.

Respirators are the least satisfactory means of exposure control because they are capable of providing good protection only if they are properly selected, properly fitted, in fact worn by the employee, and replaced when they cease to provide adequate protection. While it is possible for all of these conditions to be met, it is often the case that they are not, and as a consequence, the protection of employees by respirators is not constantly effective. Further, employees with impaired respiratory function may not be able to wear certain types of respirators, such as those operating in the negative pressure mode.

Despite the inherent difficulties associated with respirator use, they remain the only viable form of protection when engineering and work practice controls are not feasible. The proposed standard allows respirators to be used to control

employee exposure in certain other specific situations, including during the time period necessary to institute engineering or work practice controls and in emergency circumstances. The proposal would require the employer to select respirators in accordance with a specified table from those approved by either NIOSH or the Mining Enforcement and Safety Administration (MESA).

G. Medical Surveillance.

1. Biological monitoring.

The proposal would require each employer whose employees are exposed at or above the action level ($50 \mu\text{g}/\text{m}^3$) to establish a biological monitoring program in accordance with § 1910.1025(k) (2). Under such a program, sampling and analysis of either blood for lead or urine, for lead or ALA, must be made available to the employees in order to ascertain the amount of lead absorbed into the body. The selection between blood testing or urine testing may be made by the employer. Where urinary ALA levels are at or above $500 \mu\text{g}/100\text{ml}$ or urinary lead levels are at or above $100 \mu\text{g}/\text{L}$, the employer must sample the urine again or provide blood sampling to verify the findings. If the results of the second urine sampling are still too high, blood sampling must be made available. Where sampling and analysis of the employee's blood lead level indicates that it is at or above $60 \mu\text{g}/100\text{g}$ of whole blood, a second blood sampling is to be performed. Where this shows the blood lead level again above $60 \mu\text{g}/100\text{g}$ of whole blood, the employer must take immediate measures to reduce the employee's exposure to lead and provide the employee with an appropriate medical examination.

Blood lead determinations were chosen as the primary means of biological monitoring because there is little disagreement that they provide the most useful and relatively accurate method of arriving at an employee's current lead absorption. The blood lead value must be interpreted with other factors, such as proper collection of whole blood, reliability of laboratories performing the analysis, current or recent treatment with a chelating agent, hemolytic anemia and, especially, the length of time from the last overexposure to lead. Among all of the biological indicators of lead absorption available today, blood lead concentrations correlate best with the appearance of symptoms of lead intoxication and with concentrations of airborne lead. Urinary lead or urinary ALA were chosen as initial alternatives to blood lead determinations to ensure the widest possible acceptance by employees of the biological monitoring program. Furthermore, both urinary procedures provide good quantitative indexes of current lead absorption. It should be noted that a considerable difference of scientific opinion exists as to the usefulness of urinary lead and urinary ALA. Neither correspond to the airborne concentrations of lead as well as do blood lead levels. Urinary lead determinations present some uncertainties, such as low spontaneous urinary lead excretion values if the employee's renal function

is abnormal. Urinary ALA determinations may provide erroneous values due to the weaknesses of the analytical methods which measure aminoacetone, an aminoketone whose presence apparently fluctuates with food intake.

It appears that the use of both air monitoring and biological monitoring is necessary and appropriate. Sampling of airborne concentrations of lead indicates how much lead is present in the employees' breathing zone, and whether existing engineering and work practice controls are effective. Airborne concentrations of lead, not biological monitoring results, will be the relevant consideration in determining whether employers have complied with the permissible exposure limit set in the proposal.

On the other hand, biological monitoring reflects the individual's actual recent lead intake from all occupational and non-occupational sources, including inhalation and ingestion, and may be very significant in discovering the onset of lead intoxication. Since the amount of occupational lead ingested is partially dependent on personal hygiene practices, intake through ingestion may vary significantly from one employee to another. This factor, as well as the individual variability in response to airborne lead and effects of particle size and chemical composition upon lead absorption, taken in conjunction with the readily available urine lead, urine ALA and blood lead analysis techniques, makes biological monitoring a desirable addition to the air monitoring requirement.

While it is true that air monitoring does not always reflect the worker's total intake of lead, and that biological monitoring may more accurately indicate the likelihood of adverse physical effects, air monitoring is nevertheless required by the proposed standard for several reasons. First, air monitoring does reflect occupational exposure to lead. Moreover, we conclude that it would be inappropriate to monitor employee exposure solely through biological monitoring. We believe it would be contrary to prudent industrial hygiene principles for the employees themselves to serve as monitoring devices when sophisticated instruments are available to detect hazardous concentrations of lead in air, often before employees are overexposed. To purposely allow, in even a few cases, absorption of high levels of lead by employees before corrective action is taken is inconsistent with the goal of preventing occupational illness. Also, enforcement by means of biological monitoring would pose difficult problems not otherwise created by the proposed standard.

2. Medical examinations.

Once biological monitoring has indicated that an employee's blood lead level is above $60 \mu\text{g}/100\text{g}$, the employer would be required to provide the affected employee with an extensive medical examination. It must include, at a minimum, a complete medical history, physical examination, complete blood count, and a routine urinalysis (specific gravity, sugar, protein determination, and microscopic examination). The medical ex-

amination must be made available every two months thereafter until the employee's blood lead level has been reduced to below 60 ug/100g of whole blood.

It should be noted that where the examining physician determines that an alternative to the above medical examination will provide equal assurance of detecting medical conditions pertinent to protecting employees from the effects of lead exposure, the employer may accept such alternative. To do so, the employer must also obtain a statement from the physician setting forth the alternative and the justification for its use. The employer must submit the statement to the Secretary of Labor and inform affected employees that such alternative will be used.

In addition to providing medical examinations after biological monitoring, the employer must make them available to employees prior to their assignment to work areas where the airborne concentration of lead is at or above the action level, on an annual basis to employees exposed at any time during the preceding year to exposures at or above the action level, as well as immediately upon notification by an employee that he or she has developed signs or symptoms of lead intoxication.

The medical surveillance provisions in the proposal require a written opinion from the physician. If the employer determines, on the basis of the physician's written opinion, that any employee's health would be materially impaired by maintaining the existing exposure to lead, the employer must place specific limitations on that employee's continued exposure to lead.

3. Refusal to be examined.

The proposed standard also contains a procedure to be followed by the employer in the event that an employee refuses to undergo any biological monitoring or examination which must be offered. This procedure involves informing the employee of the potential risks that are incurred by a refusal to be tested or medically examined and obtaining from the employee a signed statement attesting to the fact that the employee fully understands the potential risks but still does not wish to be tested or examined. It is not OSHA's desire to encourage employees to avoid medical examinations or biological testing. On the contrary, OSHA believes that the positive action taken by employers to inform employees of the risks involved will encourage employees to undergo the examinations.

H. Recordkeeping.

Section 8(c)(1) of the Act requires that each employer shall keep and make available such records as the Secretary may prescribe as necessary or appropriate for the enforcement of this Act or for developing information regarding occupational accidents and illnesses. The proposal would require employers to maintain written records of the following:

1. All exposure measurements and negative determinations;
2. All measurements demonstrating the effectiveness of mechanical ventilation systems;

3. All employee training; and

4. Medical surveillance provided.

Because symptoms of a number of diseases that may be related to overexposure to lead have extended latency periods, the proposal would require that records of employee exposure measurements and medical examinations be retained for at least 40 years to aid in fulfilling the Secretary's obligations under the Act.

The proposal's recordkeeping provisions also would require that the aforementioned records be made available for examination and copying to the Secretary, the Director of NIOSH, employees, former employees, or their designated representatives.

OSHA is aware that certain provisions of this proposal, such as medical surveillance and the extended retention period for medical monitoring records may pose special problems to some employers, especially those who have small numbers of employees, operate with non-fixed places of employment, or use workforces which are highly transient in nature.

This awareness has been expressed by the Department of Labor in a statement submitted to the House Subcommittee on Environmental Problems Affecting Small Business on 26 June 1975, as follows: "It has become increasingly evident that the combined body of Federal regulations imposes a substantial, and, to some extent, unnecessary burden upon employers, particularly those who run small businesses. While most of these requirements serve a necessary and useful purpose, a definite potential exists for duplication, conflicting standards, and inappropriate recordkeeping requirements. In an effort to eliminate problems where any exist in the Department of Labor, I have requested my agency heads to assess the small business impact of the laws they administer and determine what can be done to ease the burden on the small employer, while still assuring compliance with the law."

Although it is clear that OSHA's first and prime responsibility is to assure employees safe and healthful places of employment, the Act and its legislative history recognize that economic and technological feasibility are legitimate factors to be considered in the setting of occupational safety and health standards.

In addition, the Act explicitly takes cognizance of its impact upon affected small business, specifically with respect to any recordkeeping requirements which are imposed.

Pursuant to section 8(d) of the Act, OSHA is exploring methods of reducing, to the maximum extent possible, the administrative and economic burdens of the proposal's various recordkeeping requirements.

While the proposal does not address itself to specific alternatives, OSHA invites comments concerning options which would both provide full protection to affected employees and at the same time would minimize the administrative and economic burden on affected employers—especially those with small numbers of

employees, non-fixed workplaces, or highly transient workforces.

I. Training and Information.

Information and training are essential for the protection of employees because employees can do much to protect themselves if they are informed of the nature of the hazards in the workplace. To be effective, however, an employee education system must apprise the employee of the specific hazards associated with the work environment. For this reason, the employer would be required to inform each employee who is assigned to work in the presence of lead about the specific nature of operations which could result in lead exposures at or above the action level. In addition, the proposal would require that employers provide a training program which shall, among other things, advise affected employees of the signs and symptoms of overexposure to lead and the purpose, proper use and limitations of respirators. Because information and training are so crucially important to employees, several training requirements must be observed even if the initial monitoring or determination indicates that exposures are below the action level.

J. Signs and Labels.

The proposal would not require the use of warning signs or labels to indicate the presence of lead. We believe that the training program contained in the proposal will adequately apprise employees of the hazards associated with exposure to lead. Additionally, in a workplace where many different toxic substances are present, signs and labels for each could be unmanageable and perhaps confusing. Where the hazardous effects of a non-carcinogenic substance are generally well known, as with lead, and an adequate employee training program is provided, it seems appropriate not to require signs or labels.

K. Observation of Monitoring.

Section 8(c)(3) of the Act requires that employers provide employees or their representatives with the opportunity to observe the monitoring of employee exposures to toxic materials or harmful physical agents. In accordance with this section, the proposed standard contains a provision for such observations. To ensure that this right is meaningful, observers would be entitled to an explanation of the measurement procedure, to observe all steps related to it and to record the results obtained.

The observer, whether an employee or designated representative, must be provided with and is required to use any personal protective devices required to be worn by employees working in the area that is being monitored and must comply with all other applicable safety and health procedures.

L. Protective Clothing, Hygiene Facilities and Practices.

Ingestion of lead through poor personal hygiene at the workplace is often responsible for elevated blood lead levels in some employees. OSHA recognizes this and has sought ways in which to limit this additional avenue of lead absorption. As a result, the proposal pro-

vides that employers must assure that all employees working in areas where contact with lead is likely, wash their hands, face, and forearms before eating, drinking, smoking, or applying cosmetics as well as at the end of each work shift. All food, beverages, tobacco products, nonfood chewing products, and unapplied cosmetics would be prohibited from these areas. The proposal also contains requirements for appropriate protective clothing and further requires that employers provide change rooms for employees who wear protective clothing or equipment.

V. CONCLUSIONS

OSHA recognizes that some of the matters considered in this proposal are controversial and that some gaps may exist in the available scientific data, especially in the area of subclinical effects of exposure to lead. OSHA believes, however, that overexposure to lead is clearly harmful and must be controlled. As a result, we are convinced that the existence of some unanswered questions cannot be permitted to delay the process of proposing a standard to protect workers occupationally exposed to lead.

Therefore, based on the best available evidence and in view of the above considerations, we believe that employee exposures to lead must be reduced at a minimum to the level of 100 $\mu\text{g}/\text{m}^3$ as an 8-hour time-weighted average based on a 40-hour workweek, and that other requirements to regulate exposure to lead must be imposed, as set forth in the proposal.

REFERENCES CITED ABOVE

1. Lane R. E.: Health Control in Inorganic Lead Industries—A Follow-up of Exposed Workers. *Arch Environ Health* 8:243-250, (1964).
2. Malcolm D.: Prevention of Long-Term Sequelae Following the Absorption of Lead. *Arch Environ Health* 23:292-98, (1971).
3. Threshold Limit Values of Chemical Substances and Physical Agents in the Workroom Environment with Intended Changes—Adopted by ACGIH for 1973.
4. Criteria for a Recommended Standard. . . Occupational Exposure to Inorganic Lead. National Institute For Occupational Safety and Health, p. V-9, (1972).
5. "Airborne Lead in Perspective"—Report prepared by the Committee on Biological Effects of Atmospheric Pollutants, National Academy of Sciences, Washington, D.C., p. 107-108 (1972).
6. Beritio T.: Lead Concentration Found in Human Blood in Association with Lead Colic. *Arch Environ Health* 23:289-291, (1969).
7. Blejer H. P.; E. Gagninsky: Blood Lead Concentrations and Occupational Medical Standards for Inorganic Lead (Study No. B032-015-758). Occupational Health Section, Calif. State Dept. of Health, Los Angeles, Calif., (1974).
8. Culver D.: Epidemiological Considerations of Occupational Lead Exposure. "Inorganic Lead, Biological Indices of Absorption and Biological Threshold Limit Values," Conference on Occupational Lead and Arsenic Exposure, Chicago, Ill., (Feb. 24-25, 1975).
9. Sakurai H. M.; M. Sugita; and K. Tsuchiya: Biological Response and Subjective Symptoms in Low Level Lead Exposure. *Arch Environ Health* 29:157-163, (1973).
10. Airborne Lead in Perspective, Op. Cit., p. 108.
11. Airborne Lead in Perspective, Op. Cit., p. 110.
12. Seppäläinen A. M.; S. Tola; S. Hernberg; and B. Kock: Subclinical Neuropathy at Safe Levels of Lead Exposure. *Arch Environ Health* 30:180-183, (Apr. 1975).
13. Seppäläinen A. M.; S. Hernberg: Sensitive Technique for Detecting Subclinical Lead Neuropathy. *Brit J Ind Med* 29:443-449, (1972).
14. Repko J. O.; B. B. Morgan Jr.; and J. A. Nicholson: Behavioral Effects of Occupational Exposure to Lead, NIOSH Research Report, May 1975, HEW Contract No. HSM 99-72-123.
15. Increased Lead Absorption and Lead Poisoning in Young Children: A Statement by the Center for Disease Control, U.S. Department of Health, Education, and Welfare, PHS, (Mar. 1975).
16. Airborne Lead in Perspective, Op. Cit., p. 110.
17. Cooper W. C.; I. R. Tabershaw: Laboratory Studies of Workers in Lead Smelting and Refining. Proceedings of International Symposium on Environmental Health Aspects of Lead, CEC, CID, Luxembourg, pp. 517-530, (May 1973).
18. Tola S.; S. Hernberg; S. Asp; and J. Nikkanen: Parameters Indicative of Absorption and Biological Effect in New Lead Exposure: A Prospective Study. *Brit J Ind Med* 30:134-141, (1973).
19. Nelson K. W.: Usefulness of Biologic and Air Standards for Lead. *J Occup Med* 17:113-114, (Feb. 1975).
20. Haeger-Aronsen B.; M. Abdulla; and B. I. Fristedt: Effect of Lead on Delta Aminolevulinic Acid Dehydratase Activity in Red Blood Cells: II Regeneration of Enzyme after Cessation of Lead Exposure. *Arch Environ Health* 29:150-153, (Sept. 1974).
21. Hernberg S.; M. Nurminen; and J. Hasan: Nonrandom Shortening of Red Cell Survival Times in Men Exposed to Lead. *Environ Res* 1:247-251, (1967).
22. Secchi G. C.; L. Erba; and G. Cambiaghi: Delta Aminolevulinic Acid Dehydratase Activity of Erythrocytes and Liver Tissue in Man. *Arch Environ Health* 28:130-132, (Mar. 1974).
23. Secchi G. C.; L. Alessio; and G. Cambiaghi: Na/K ATPase Activity of Erythrocyte Membranes. *Arch Environ Health* 27:399-400, (Dec. 1973).
24. Airborne Lead in Perspective, Op. Cit., p. 117.
25. Haas T.; K. Macho; K. Schaller; A. Wielek; W. Macho; and H. Valentin: Untersuchungen Über Die Ökologische Bleibelastung Im Kindesalter. Proceedings of the International Symposium on the Environmental Health Aspects of Lead, CEC, CID, Luxembourg, pp. 741-748, (May 1973).
26. Gershanik J.J.; G. G. Brooks; and J.A. Little: Blood Lead Values in Pregnant Women and Their Offspring. *Am J Obstet Gynecol*, 119:508-511, (June 15, 1974).
27. Lin Fu J.S.: "Undue Absorption of Lead among Children—A New Look at an Old Problem." *N Eng J. Med*, 286 (13), 702-710, (1972).
28. Cooper W.C.; W.R. Gaffey: Mortality of Lead Workers. *J Occup Med* 17:100-107, (Feb. 1975).
29. Vitale L.F.; M.M. Joselow; R.P. Wedeen; and M. Pawlow: Blood Lead—An Inadequate Measure of Occupational Exposure. *J Occup Med*, 17:155-156, (Mar. 1975).
30. Cramer K.; R.A. Goyer; R. Jagenburg; and M.H. Wilson: Renal Ultrastructure, Renal Function and Parameters of Lead Toxicity in Workers With Different Periods of Lead Exposure. *Brit J. Ind Med* 31:113-127, (1974).
31. Criteria for a Recommended Standard, Op Cit, p. III-9, (1972).
32. Williams M.K.; R. E. King; and J. Walford: An Investigation of Lead Absorption in an Electric Accumulator factory with the use of personal samplers. *Br. J Ind Med* 26:202-216, (1969).
33. Kehoe, R.A.: The Metabolism of Lead in Man in Health and Disease. The Harben Lectures, 1980. *J Roy Public Health Hyg* 24:1-81, 101-120, 129-143, 177-203, (1961).

VI. ENVIRONMENTAL IMPACT ASSESSMENT

The National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321-4347), requires, among other things, that Federal agencies assess their proposed major actions, including rulemaking, to determine whether a significant impact on the quality of the human environment may result. Furthermore, 29 CFR 1993.3(d) requires that where OSHA determines that an environmental impact statement should be prepared, the determination to do so must be published in the Federal Register. Accordingly, it is hereby notified that OSHA intends to prepare an environmental impact statement on the proposed standard for occupational exposure to lead in accordance with the requirements of 29 CFR Part 1999.

Once the draft environmental impact statement has been prepared, a copy of it will be made available by OSHA to any member of the public who requests an opportunity to comment on it. Any person or agency submitting comments on it to OSHA must at the same time forward five copies of the comments to the Council on Environmental Quality (CEQ), 722 Jackson Place, N.W., Washington, D.C. A 45-day period will be allowed for the submission of comments after the publication of the notice of availability of the draft environmental impact statement. The draft statement will be available, where practicable, at least 15 days prior to a public hearing on the proposed standard. The environmental impact of the proposal would be an appropriate issue at such hearing.

It appears at present that the preceding preamble to the proposed standard for occupational exposure to lead adequately assesses the impact of the proposal on the workplace environment. It further appears that the proposed standard for occupational exposure to lead will have no significant effects on the quality of the human environment external to the workplace. The proposal does not increase the amount of lead permitted to be released into the ambient air, nor does the proposal call for changes of industry practice in disposal of lead wastes. For these reasons, OSHA does not anticipate any increased impact on the community contiguous to establishments in which lead is used or produced.

Interested persons may submit comments that may be helpful in preparing the draft environmental impact statement on the proposed standard. Any person having relevant information or data not readily available in the open literature is invited to submit it to David R. Bell, Office of Standards Development,

Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room N3669, Washington, D.C. 20210, by November 3, 1975. Comments submitted in regard to the proposed standard need not be re-submitted. All material received in environmental impact will be available for public inspection and copying at the above address.

VII. PUBLIC PARTICIPATION

Interested persons are invited to comment on the proposed standard on or before December 2, 1975. Written data, views and arguments concerning the proposal must be submitted in quadruplicate to the Docket Officer, Docket H-004, U.S. Department of Labor, Room N-3620, 200 Constitution Avenue, N.W., Washington, D.C. 20210 (Telephone 202/523-8076). Written submissions must clearly identify the provisions of the proposal addressed and the position taken with respect to each such provision. The data, views, and arguments will be available for public inspection and copying at the above address. All written submissions received will be made a part of the record.

Pursuant to 29 CFR 1911.11(b) and (c), interested persons may, in addition to filing written comments as provided above, file objections to the proposal and request an informal hearing with respect thereto, in accordance with the following conditions:

1. The objections must include the name and address of the objector;
2. The objections must be postmarked on or before December 2, 1975;
3. The objections must specify with particularity the provision of the proposed rule to which objection is taken, and must state the grounds therefor;
4. Each objection must be separately stated and numbered; and
5. The objections must be accompanied by a detailed summary of the evidence proposed to be adduced at the requested hearing.

In addition to the comments and objections invited above concerning the proposal and its environmental impact, OSHA hereby solicits comments from interested parties regarding the potential inflation impact of the proposed standard. Comments must be submitted in accordance with the above requirements for comments on the proposal and may be directed toward any or all of the following subjects:

1. Cost impact on consumers, businesses, markets, or Federal, State, or local government;
2. Effect on the productivity of wage earners, businesses, or government;
3. Effect on competition;
4. Effect on supplies of important materials, products, or services;
5. Effect on employment; and
6. Effect on energy supply or demand.

It is OSHA's intention to prepare an inflation impact statement and analysis, if appropriate, or a certification that the standard has no substantial inflationary impact, and to make such statement or certification available at least 30 days

prior to any public hearings on the proposed standard. The potential inflationary impact of the proposed standard would be an appropriate issue at such hearings.

This procedure has been concurred in by the Council on Wage and Price Stability in accordance with the Office of Management and Budget Circular A-107 (28 January 1975), issued pursuant to Executive Order 11821 (27 November 1974; 39 FR 41501).

Accordingly, pursuant to sections 4(b), 6(b) and 8(c) of the Occupational Safety and Health Act of 1970 (84 Stat. 1592, 1593, 1599; 29 U.S.C. 653, 655, 657) and 29 CFR Part 1911, it is hereby proposed to amend Part 1910 of Title 29 of the Code of Federal Regulations as set forth below.

Signed in Washington, D.C., this 29th day of September, 1975.

JOHN T. DUNLOP,
Secretary of Labor.

1. In § 1910.19, the subject heading is changed, the present undesignated paragraph is designated (a) and paragraph (b) is proposed to be added to read as follows:

§ 1910.19 Special provisions for air contaminants.

(b) Section 1910.1025 shall apply to the exposure of every employee to lead dust, fume, mist or solution in every employment covered by § 1910.12, § 1910.13, § 1910.14, § 1910.15, or § 1910.16, in lieu of any different standard on exposure to lead which would otherwise be applicable by virtue of any of those sections.

(Secs. 4, 5, 8, 84 Stat. 1592, 1593, 1599 (29 U.S.C. 653, 655, 657 and 29 CFR Part 1911))

2. Table Z-2 in § 1910.1000 is proposed to be amended by deleting the following:

Lead and its inorganic compounds (Z37.11-1969)—0.2 mg/M³ . . .

3. A new § 1910.1025 is proposed to be added to Part 1910, to read as follows:

§ 1910.1025 Lead.

(a) *Scope and application.* This section applies to the production, reaction, release, packaging, repackaging, transportation, storage, handling, or use of lead except that this section will not apply to working conditions with respect to which other Federal agencies have exercised statutory authority to prescribe or enforce standards or regulations affecting occupational safety or health.

(b) *Definitions.* For the purposes of this section:

"Biological monitoring" means the sampling and analysis of whole blood for lead content or urine for lead or delta-aminolevulinic acid (ALA) content.

"Director" means the Director, National Institute for Occupational Safety and Health (NIOSH), U.S. Department of Health, Education and Welfare, or his designee.

"Emergency" means any occurrence, such as, but not limited to, equipment failure, rupture of containers, or failure

of control equipment which is likely to, or does, result in the massive release of lead.

"Lead" means lead, all its inorganic compounds (including lead oxides and inorganic lead salts), and organic lead salts such as lead soaps, but excluding all other organic lead compounds.

"Secretary" means the Secretary of Labor, U.S. Department of Labor, or his designee.

(c) *Action level.* Action level means a concentration of 50 micrograms of lead per cubic meter of air (50 µg/m³) as determined on an 8-hour time-weighted average, based on a 40-hour workweek.

(d) *Permissible exposure limit.* No employee may be exposed to airborne concentrations of lead greater than 100 micrograms of lead per cubic meter of air (100 µg/m³) as determined on an 8-hour time-weighted average, based on a 40-hour workweek.

(e) *Exposure determination and measurement.* (1) *Employee exposure.* For the purposes of this paragraph, employee exposure is that exposure which would occur if the employee were not using a respirator.

(2) *Initial determination.* Each employer who has a place of employment in which lead is occupationally produced, reacted, released, packaged, repackaged, transported, stored, handled, or used shall inspect each workplace and work operation to determine if any employee may be exposed to lead at or above the action level.

(3) *Basis of determination.* Initial determinations shall be based on the following, along with any other relevant considerations:

(i) Any information, observations, or calculations which would indicate employee exposure to lead;

(ii) Any measurements of airborne lead; and

(iii) Any employee complaints of symptoms which may be attributable to exposure to lead.

(4) *Positive initial determination.* Where a determination conducted under paragraphs (e) (2) and (e) (3) of this section shows the possibility of any employee exposure at or above the action level, the employer shall, within 30 days, conduct monitoring which is representative of the exposure for each employee in accordance with this paragraph.

(5) *Negative initial determination.* Where a determination, conducted under paragraph (e) (2) and (e) (3) of this section, is made that no employee is exposed to airborne concentrations of lead at or above the action level, the employer shall make a written record of such determination. The record shall include at least the information specified in paragraph (e) (3) of this section and shall also include the date of determination, work being performed at the time, location within the worksite, and the name and social security number of each employee considered.

(6) *Determination based on monitoring in certain industries.* (i) In addition to the considerations outlined in paragraph (e) (3) of this section, an employer

in an industry or involved in an operation listed in paragraph (e) (6) (ii) of this section shall conduct monitoring and shall base the determination of whether any employee is exposed at or above the action level on the results of such monitoring. The employer shall monitor the exposure which is representative of the group of employees which the employer considers to be exposed to the greatest concentration of airborne lead in the workplace. The selection of the group of employees shall be based on at least the considerations for an initial determination in paragraph (e) (3) of this section.

(ii) Employers who must base their determinations on monitoring of a group of employees are those involved in lead metalizing, spray painting with "red lead," scraping or sanding lead paint, pouring leaded iron, pouring and grinding of bearing bronze, manufacturing lead storage batteries, lead smelting, lead burning, lead homogenizing, burning lead-painted steel, mixing lead powder, sanding and grinding lead, mixing lead paints, spraying of chrome yellow paint, wire patenting, steel tempering, pouring and grinding bronze, casting lead, lead stereotyping, soldering, tinning or sawing lead.

(iii) Where monitoring pursuant to paragraphs (e) (6) (i) and (ii) of this section indicates that any employee in the selected group of employees is exposed to airborne concentrations of lead at or above the action level, the employer shall conduct, within 30 days, monitoring which is representative of the exposures of all employees, as if a positive initial determination had been made under paragraph (e) (4).

(iv) Where monitoring pursuant to paragraphs (e) (6) (i) and (ii) of this section indicates that the group of employees chosen for monitoring is exposed to airborne concentrations of lead below the action level, a second monitoring, made not less than five working days later, of the group, shall be conducted. Where the second monitoring shows employee exposures to again be below the action level, monitoring of employee exposure in the workplace may be discontinued, except as provided by paragraph (e) (8) of this section.

(7) *Frequency of monitoring.* Where the employer has made a positive determination under paragraph (e) (4) of this section or where employee monitoring under paragraph (e) (6) of this section indicates exposures at or above the action level, measurements which are representative of each employee's actual exposure and which are calculated on the basis of an 8-hour time-weighted average for a 40-hour workweek shall be taken as follows:

(i) At least every month for any employee exposed to lead in excess of the permissible exposure limit;

(ii) At least every three months for any employee exposed to lead at or above the action level but not above the permissible exposure limit; and

(iii) Where at least two consecutive measurements, made not less than five working days apart, show exposures for

an employee to be below the action level, measurements may be discontinued for that employee.

(8) *Redetermination.* Whenever there has been a production, process, or control change which may result in an increase in the airborne concentration of lead, or whenever the employer has any other reason to suspect an increase in the airborne concentrations of lead, a new determination, supplemented by monitoring pursuant to paragraph (e) (6) of this section where applicable, shall be made.

(9) *Employee notification.* The employer shall notify in writing, within five working days after the results of monitoring have been obtained, each employee who is found to be exposed to lead above the permissible exposure limit. Such notification need not be given more frequently than once per month. The employee shall also be notified of the corrective action being taken to reduce exposure to or below the permissible exposure limit.

(10) *Accuracy of measurement.* The method of monitoring and analysis shall have an accuracy (to a confidence level of 95%) of not less than plus or minus 20% for concentrations of airborne lead equal to or greater than $50 \mu\text{g}/\text{m}^3$. (Some methods meeting this accuracy requirement are available in the "NIOSH Manual of Analytical Methods").

(f) *Methods of compliance.* Employee exposure to lead shall be controlled to or below the permissible exposure limit by engineering and work practice controls, and personal protection controls as follows:

(1) *Engineering and work practice controls.* Engineering controls shall be instituted immediately to reduce exposures to or below the permissible exposure limit, except to the extent that such controls are not feasible. Where engineering controls which can be instituted immediately are not sufficient to reduce exposures to or below the permissible exposure limit, they shall nonetheless be used to reduce exposures to the lowest practicable level, and shall be supplemented by the use of work practice controls.

(2) *Personal protection controls.* Where engineering and work practice controls are not sufficient to reduce ex-

posures to or below the permissible exposure limit, they shall nonetheless be used to reduce exposures to the lowest possible level, and shall be supplemented by the use of respirators, in accordance with paragraph (g) of this section.

(3) *Mechanical ventilation.* When mechanical ventilation is used to control exposure, measurements which demonstrate the effectiveness of the system in controlling exposure, such as capture velocity, duct velocity, or static pressure, shall be made at least every three months. Measurements of the system's effectiveness in controlling exposure shall also be made within five days of any change in production, process, or control which might result in a change in employee exposure to lead. Air from any exhaust ventilation system for lead shall not be recirculated into the workroom.

(4) *Compliance program.* (i) Each employer shall establish and implement a written program to reduce exposures to or below the permissible exposure limit solely by means of engineering controls supplemented, when necessary, by work practice controls.

(ii) Written plans for the compliance program shall be developed and furnished upon request for examination and copying to the Secretary and the Director. Such plans shall be reviewed and revised, as necessary, at least every six months to reflect the current status of the program.

(g) *Respiratory protection.* (1) *Use.* Respirators shall be used where required under this section. Compliance with the permissible exposure limit may not be achieved by the use of respirators except:

(i) During the time period necessary to institute engineering or work practice controls;

(ii) In work operations in which engineering or work practice controls are not feasible;

(iii) In work operations in which engineering or work practice controls are insufficient to reduce exposure to or below the permissible exposure limit; or

(iv) In emergencies.

(2) *Selective.* Where respirators are required by this section, the employer shall select and provide an appropriate respirator from Table 1 below and shall ensure that the affected employee uses the respirator provided.

TABLE 1

RESPIRATORY PROTECTION FOR LEAD

Airborne Concentration of Lead	Required Respirator
(i) Fume, dust, or mist in excess of $200 \text{ mg}/\text{m}^3$ (1 mg = 1000 μg).	(A) Self-contained breathing apparatus with a full facepiece operated in pressure-demand or other positive pressure mode; or (B) A combination respirator which includes a type C supplied-air respirator with a full facepiece operated in pressure-demand or other positive pressure or continuous flow mode and an auxiliary self-contained breathing apparatus operated in pressure-demand or other positive pressure mode.
(ii) Fume, dust, or mist not in excess of $200 \text{ mg}/\text{m}^3$.	(A) A type C supplied-air respirator with a full facepiece operated in pressure-demand or other positive pressure mode; or with a full facepiece, hood, or helmet operated in continuous flow mode.

Airborne Concentration
of Lead

Required Respirator

- (iii) Fume, dust, or mist not in excess of 100 mg/m³. (A) A powered air purifying respirator with a full facepiece and high efficiency particulate filter.*
- (iv) Fume, dust, or mist not in excess of 5.0 mg/m³. (A) A high efficiency particulate filter* respirator with a full facepiece; or (B) A supplied-air respirator with a full facepiece, helmet, or hood; or (C) A self-contained breathing apparatus with a full facepiece.
- (v) Fume or combined fume, dust and mist not in excess of 1.0 mg/m³. (A) An air purifying respirator (except single use types), with fume or high efficiency particulate filter*; or (B) A supplied-air respirator; or (C) A self-contained breathing apparatus.
- (vi) Dust or mist not in excess of 1.0 mg/m³. (A) An air purifying respirator (except single use types), with dust or mist filter; or (B) A supplied-air respirator; or (C) A self-contained breathing apparatus.

*NOTE.—High efficiency particulate filter means 99.97% efficient against 0.3 micron size particles.

(vii) Respirators shall be selected from those approved by NIOSH or the Mining Enforcement and Safety Administration (MESA) under the provisions of 30 CFR Part 11.

(viii) Respirators prescribed for a higher concentration may be used for any lower concentration.

(3) *Respirator program.* (i) Respirators shall be used and maintained in accordance with § 1910.134 (d), (e), and (f) of this chapter.

(ii) The employer shall institute a respiratory protection program in accordance with § 1910.134(b) of this chapter.

(h) *Protective clothing.* (1) The employer shall provide and ensure that employees wear appropriate, clean, protective clothing, such as, but not limited to, coveralls, smocks, aprons, gloves, shoes, or hats, in the following situations:

(i) Where employees may be exposed to concentrations of lead above the permissible exposure limit; or

(ii) Where the skin or clothing of employees may have repeated contact with accumulations of lead fume, dust, mist, or solutions.

(2) The employer shall launder, maintain, and dispose of all protective clothing.

(3) The removal of lead fume or dust from protective clothing by blowing or shaking is prohibited.

(4) The employer shall ensure that all protective clothing is removed in change rooms required by paragraph (j) (3) of this section.

(5) The employer shall inform any person who launders or cleans lead protective clothing of the potentially harmful effects of exposure to lead and of precautions to take, such as not blowing or shaking the clothing to remove lead fume or dust.

(i) *Housekeeping.* (1) All exposed surfaces shall be maintained free of accumulations of lead which, if dispersed, would result in airborne concentrations in excess of the permissible exposure limit.

(2) Dry sweeping and the use of compressed air for the cleaning of floors and other surfaces is prohibited.

(3) Persons not wearing protective equipment shall be excluded from areas where spills or leaks of lead have occurred until cleanup has been completed.

(4) *Hygiene facilities and practices.*

(1) All food, beverages, tobacco products, nonfood chewing products, and unapplied cosmetics are prohibited in areas where there is a likelihood that skin or clothing may come in contact with fume, dust, mist, or solutions of lead or where the airborne concentrations of lead are at or above the action level.

(2) The employer shall ensure that employees who work in areas specified in paragraph (j) (1) of this section wash their hands, forearms, face, and neck before eating, drinking, smoking or applying cosmetics, and at the end of each work shift.

(3) Where employees wear protective clothing or equipment, or both, change rooms shall be provided in accordance with § 1910.141(e) of this chapter.

(4) Where employers are required by paragraphs (j) (2) of this section to ensure that employees wash, employers shall provide an adequate number of lavatories which shall meet the requirements of § 1910.141(d) (2) of this chapter.

(k) *Medical surveillance.* (1) *General.*

(i) For the purposes of this paragraph, employee exposure is that exposure which would occur if the employee were not using a respirator.

(ii) Each employer shall institute a medical surveillance program for all employees who are or will be exposed to airborne concentrations of lead at or above the action level. The program shall provide each employee covered under this paragraph with an opportunity for biological monitoring and medical examinations in accordance with this paragraph.

(iii) All medical examinations and biological monitoring shall be performed by or under the supervision of a licensed physician and shall be provided during the employee's normal working hours without cost to the employee.

(iv) If an employee refuses any medical examination or biological monitoring, the employer shall inform the employee of the possible health consequences involved and obtain a signed statement from the employee indicating that the employee understands the risks involved in such refusal.

(2) *Biological monitoring.* (i) *Frequency.* The employee shall provide biological monitoring in the form of blood or urine sampling and analysis to each employee covered under paragraph (k)

(1) (ii) of this section on the following schedule:

(A) At least every six months to each employee exposed to lead at or above the action level; and

(B) At least every two months to each employee exposed to lead in excess of the permissible exposure limit. Such monitoring shall continue for at least four months after the last exposure above the permissible limit.

(ii) *Blood sample.* (A) Blood sampling and analysis, when provided to meet the requirements of paragraphs (k) (1) and (k) (2) of this section, shall accurately determine the blood lead level in accordance with paragraph (k) (2) (iv) of this section. Where such blood sampling and analysis indicates that the blood lead level of an employee is at or above 60 µg/100g of whole blood, a second blood sampling test shall be performed within two weeks after the results of the first blood sampling test are received by the employer.

(B) Where the results of the second blood sampling test indicate that the blood lead level of the employee is at or above 60 µg/100g of whole blood, the employer shall:

(1) Make available, within one week after the results of the second blood sampling test are received, a medical examination to determine whether the employee has symptoms of lead intoxication. Such examination shall be in accordance with paragraph (k) (3) of this section;

(2) Take immediate steps to reduce the employee's blood lead level to below 60 µg/100g of whole blood. (Chelating agents shall not be routinely administered to employees, and shall not be administered at all except by, and at the discretion of, a licensed physician. (See Part III of Appendix A)). Steps to be considered by the employer shall include reduction of exposure by engineering and work practice controls, administrative controls, use of personal protective equipment, and improved personal hygiene; and

(3) Conduct blood sampling and analysis on the employee at least monthly thereafter. This sampling and analysis shall be continued for at least two months after the employees' blood lead level has dropped below 60 µg/100g of whole blood.

(iii) *Urine sample.* (A) Where urine sampling and analysis is chosen by the employer to satisfy the biological monitoring requirements of paragraph (k) (2) of this section, at least 100 milliliters of urine shall be collected during the workday, and any urine sample with a specific gravity of less than 1.010 shall be discarded and another sample obtained.

(B) Where the employee's urine lead level is at or above 100 µg/L, or urine ALA is at or above 500 µg/100ml, calculated to a specific gravity of 1.024, another urine sample, or blood sampling in accordance with paragraph (k) (2) (ii) of this section, shall be taken and analyzed within two weeks after the results of the first sampling are received by the employer.

(C) Where the second urine sample indicates that the urine lead level is at or above 100 ug/L, or urine ALA is at or above 500 ug/100ml, blood sampling shall be performed, in accordance with paragraph (k) (2) (ii) of this section, within two weeks.

(iv) *Accuracy.* Biological monitoring shall have an accuracy (to a confidence level of 95%) within plus or minus 0.01 milligrams of lead per 100 grams of whole blood or liter of urine.

(3) *Medical examinations.* (i) Each employer shall provide a medical examination which includes a complete medical history and physical examination, complete blood count, and routine urinalysis (specific gravity, sugar, protein determinations, and microscopic examination), and pregnancy test where appropriate, to each employee covered by paragraph (k) (1) (ii) of this section.

(ii) Medical examinations shall be made available:

(A) To employees prior to their assignment to areas in which airborne concentrations of lead are at or above the action level;

(B) At least annually for each employee exposed to airborne concentrations of lead at or above the action level at any time during the preceding 12 months;

(C) For each employee whose second blood sampling indicates blood lead levels at or above 60 ug/100g of whole blood, in accordance with the requirements of paragraph (k) (2) (ii) (B) (1) of this section, and at least every two months thereafter until the employee's blood lead level is below 60 ug/100g of whole blood; and

(D) Immediately, upon notification by the employee that the employee has developed signs or symptoms commonly associated with toxic exposure to lead (see Part II of Appendix A).

(iii) Where medical examinations are required, the employer shall provide the examining physician with the following information:

(A) A copy of this regulation for lead including Appendixes A and B;

(B) A description of the affected employee's duties as they relate to the employee's exposure;

(C) A description of any personal protective equipment used or to be used;

(D) The results of the employee's exposure measurements, if available;

(E) The employee's anticipated or estimated exposure level;

(F) The results of the employee's biological monitoring; and

(G) Upon request of the physician, information from previous medical examinations of the affected employee.

(4) *Physician's written opinion.* (i) The employer shall obtain and furnish the employee with a copy of a written opinion from the examining physician containing the following:

(A) The signs or symptoms of lead intoxication manifested by the employee, if any;

(B) A laboratory report of the lead content in blood or urine or ALA content in urine if such analysis is performed by

or under the supervision of the physician, or reported to the physician by a laboratory to which such samples have been submitted for analysis;

(C) The physician's opinion as to whether the employee has any detected medical condition which would place the employee at increased risk of material impairment to the employee's health from exposure to lead or would directly or indirectly aggravate any detected medical condition;

(D) Any recommended limitation upon the employee's exposure to lead or upon the use of personal protective equipment and respirators; and

(E) A statement that the employee has been informed by the physician of any medical condition which requires further examination or treatment.

(ii) The written opinion obtained by the employer may not reveal specific findings or diagnoses unrelated to occupational exposure to lead.

(iii) If the employer determines, on the basis of the physician's written opinion, that any employee's health would be materially impaired by maintaining the existing exposure to lead, the employer shall place specific limitations, based on the physician's written opinion, on the employee's continued exposure to lead. In no case shall any employee be placed at increased risk of material impairment of health from such exposure.

(5) *Alternative medical examinations.* If the examining physician determines that medical examinations alternative to those specified in paragraphs (k) (3) (i) of this section will provide at least equal assurance of detecting medical conditions pertinent to protecting the employee against overexposure to lead, the employer may accept such alternative medical examinations and tests as meeting the requirements of paragraph k(3) (i) of this section, provided that the employer:

(i) Obtains a statement from the examining physician setting forth the alternative medical examinations or tests and the rationale for their substitution and submits such statement to the Secretary; and

(ii) Informs each affected employee of the fact that medical examinations or tests, alternative to those required in paragraphs (k) (3) (i) of this section, are to be made available.

(1) *Training and information.* (1) Each employer who has a workplace in which lead dust, fume, mist, or solution is produced, reacted, released, packaged, repackaged, stored, handled, or used shall:

(i) Keep a copy of this regulation with its appendixes at the workplace and make such material readily available to all employees; and

(ii) Inform employees who work or will be assigned to work in the presence of lead dust, fume, mist, or solutions of the quantity, location, and manner of use, release, or storage of lead at the workplace and the specific nature of operations which could result in lead exposure at or above the action level.

(2) Each employer whose employees are exposed to lead dust, fume, mist, or

solutions at or above the action level or whose employees have skin contact with lead dust, fume, mist, or solutions shall provide, prior to initial placement of new employees and at least annually for all affected employees, a training program which shall:

(i) Inform affected employees of the information contained in Appendix A of this section;

(ii) Advise affected employees of the signs and symptoms of overexposure to lead contained in Appendix A of this section;

(iii) Instruct affected employees to advise the employer of the development of the signs and symptoms of overexposure to lead which are listed in Appendix A of this section;

(iv) Inform employees of the specific nature of operations which could result in exposure to lead above the permissible exposure limit, as well as any necessary protective measures;

(v) Instruct employees that chelating agents should not be routinely used to remove lead from their bodies and should not be used at all except under the direction of a licensed physician (See Part III of Appendix A).

(vi) Inform employees of measures necessary to protect them from exposures in excess of the permissible exposure limit;

(vii) Instruct employees as to the purpose, proper use, and limitations of respirators as specified in § 1910.134 of this chapter;

(viii) Provide employees with a description of, and explain the purposes for, the medical surveillance program prescribed in paragraph (k) of this section; and

(ix) Provide employees with a general review of this standard.

(3) All materials relating to the employee training and information program shall be provided upon request to the Secretary and the Director.

(m) *Recordkeeping.* (1) *Exposure determinations.* The employer shall keep an accurate record of all determinations made pursuant to paragraph (e) (5) of this section.

(i) This record shall include the written determination and any supporting documentation required in paragraphs (e) (3) and (e) (5) of this section.

(ii) This record shall be maintained for at least one year and, in any event, shall include the most recent determination.

(2) *Measurements.* The employer shall keep an accurate record of all monitoring and measurements taken of employee exposure to airborne concentrations of lead.

(i) This record shall include:

(A) The date of measurements;

(B) The operations at which the employees being monitored are working, including the amount of time spent by the employees at each operation;

(C) Sampling and analytical methods used and evidence of their accuracy;

(D) Number, duration, and results of samples taken;

(E) Protective devices worn, if any, and length of time worn; and

(F) Names, social security numbers, and exposure levels of employees monitored.

(II) This record shall be maintained for at least 40 years.

(3) **Mechanical ventilation measurements.** When mechanical ventilation is used as an engineering control, the employer shall maintain a record of the measurements demonstrating the effectiveness of such ventilation required by paragraph (f) (3) of this section.

(i) This record shall include:

(A) Date and location of measurement;

(B) Type of measurement taken; and

(C) Result of measurement;

(ii) This record shall be maintained for at least two years.

(4) **Employee Training.** The employer shall keep an accurate record of all employee training required by paragraph (i) of this section.

(i) This record shall include:

(A) Date of training;

(B) Names and social security numbers of employees trained; and

(C) Content or scope of training provided.

(ii) This record shall be maintained for at least one year.

(5) **Medical surveillance.** The employer shall keep an accurate medical record for each employee subject to medical surveillance required by paragraph (k) of this section.

(i) The record shall include:

(A) Names and social security numbers of employees subject to biological monitoring and medical examinations.

(B) Results of biological monitoring;

(C) Physician's written opinion;

(D) Any employee medical complaints related to exposure to lead;

(E) A signed statement of any refusal to be biologically monitored or medically examined; and

(F) A copy of the information provided to the physician pursuant to paragraph (k) (3) (iii) of this section.

(ii) This record shall be maintained for at least 40 years.

(6) **Availability.** (i) All records required to be maintained by this section shall be made available upon request to the Secretary and the Director for examination and copying.

(ii) Records of written determinations and employee exposure measurements that are required to be maintained by paragraphs (m) (1) and (m) (2) of this section shall be made available for examination and copying to employees, former employees, or their designated representatives.

(iii) Employee medical records required to be maintained by paragraph (m) (5) of this section shall be made available upon request for examination and copying to a physician designated by the employee or former employee.

(7) **Transfer of records.** (i) In the event the employer ceases to do business, the successor employer shall receive and retain all records required to be maintained by this section.

(ii) In the event the employer ceases to do business and there is no successor

to receive and retain the records, these records shall be transmitted by registered mail to the Director, and all employees and former employees shall be individually notified in writing of this transfer.

(n) **Observation of monitoring.** (1) The employer shall give affected employees or their representatives an opportunity to observe any monitoring or measuring of their exposure to lead that is conducted pursuant to this section.

(2) When observation of the monitoring of employee exposure to lead requires entry into an area where the use of personal protective equipment is required, the observer shall be provided and required to use such equipment and shall comply with all other applicable safety and health procedures.

(3) Without interfering with the monitoring or measuring, observers shall be entitled to:

(i) Receive an explanation of the monitoring or measuring procedure;

(ii) Observe all steps related to the measurement of airborne lead performed at the place of exposure; and

(iii) Record the results obtained.

(o) **Effective date.** This standard shall become effective 30 days after the publication of the final standard in the FEDERAL REGISTER.

(p) **Startup dates.** (1) Determinations and measurements prescribed by paragraph (e) of this section shall be instituted within 30 days of the effective date of the final standard, except that for new production areas or operations begun after the effective date, such determinations and measurements shall be instituted within 10 working days of startup of operation.

(2) Initial biological monitoring prescribed in paragraph (k) of this section shall be completed within two months of the effective date of the final standard.

(3) Initial medical examinations for current employees who meet the requirements for a medical examination in paragraph (k) of this section, and who have not received such examination within one year prior to the effective date of this section, shall be completed within two months of the effective date of this section.

(4) The written compliance program required by paragraph (f) (4) of this section shall be available for inspection within two months following the completion of any monitoring or determination which indicates exposures above the permissible limit.

(q) **Appendices.** The information contained in the appendixes to this section is not intended, by itself, to create any additional obligations not otherwise imposed by the standard, or to detract from any existing obligations.

APPENDIX A

SUBSTANCE SAFETY DATA SHEET FOR OCCUPATIONAL EXPOSURE TO LEAD

1. SUBSTANCE IDENTIFICATION

A. **Substance:** Lead.

B. **Definition:** Lead (Pb), all its inorganic compounds (including lead oxides and inorganic lead salts), and organic lead salts, such as lead soaps, but excluding all other organic lead compounds.

C. **Permissible Exposure:** 100 micrograms per cubic meter of air (100 ug/m³), time weighted average (TWA) for an 8-hour workday, 40-hours per week.

II. HEALTH HAZARD DATA

A. **Ways in which the substance enters your body system.**

Lead enters the body primarily by inhalation of lead dust, fume or mist. However, lead can also enter the body by hand-to-mouth contact, eating or drinking food contaminated with lead, or by use of cosmetics and tobacco products contaminated with lead. Therefore, you should thoroughly wash your hands before eating, drinking, smoking, applying cosmetics, or placing your hands in your mouth.

B. **Effects of overexposure.**

(1) **Short-term (acute) overexposure:** Not known quantitatively, but effects are a factor of dosage and time. The symptoms and effects of acute overexposure may include acute abdominal colic causing crampy diffuse stomach pain, increasingly frequent and persistent vomiting, severe anemia, peripheral neuropathy (nerve damage and muscle weakness), nephropathy (kidney damage), and acute encephalopathy (brain damage) sometimes followed by coma, and cardio-respiratory arrest, and death.

(2) **Long-term (chronic) overexposure:** An excess in the lead content of whole blood or urine or an excess in the ALA content of urine could mean that you have lead intoxication. The early symptoms of lead intoxication are most commonly gastrointestinal disorders, colic, constipation, nausea and metallic taste in mouth. Blood changes, such as anemia, may be noted. Weakness which may develop to paralysis, chiefly of the extensor muscles of the wrist and less often of the ankles, is noticeable in the more serious cases.

(3) **Increased Susceptibility:** Pregnant employees and their fetuses, as well as employees with the sickle cell trait, may have increased susceptibility to lead intoxication.

(4) **Atmospheric concentration immediately hazardous to life:** Not known for lead, but the minimum oral lethal dose is about 10 grams.

III. EMERGENCY AND FIRST AID PROCEDURES

No immediate emergency care or first aid are generally necessary. However, employees with symptoms indicated in paragraph II above, or with blood lead levels above 60 micrograms of lead per 100 grams of whole blood (60 ug/100g) should see a doctor as soon as possible.

The excessive or routine use of chelating agents, such as Ca-EDTA, British Anti-Lewisite and D-Penicillamine, to remove lead from the body must be avoided because it increases the risk of kidney damage or failure. Chelating agents may only be administered by a physician and normally only in emergency situations.

IV. PROTECTIVE CLOTHING AND EQUIPMENT

A. **Respirators:** Suitable respirators may be worn:

(1) During the time period necessary to install engineering controls to reduce the airborne concentration of lead below 100ug/m³;

(2) In work situations in which engineering controls are not feasible to reduce the airborne concentration of lead below the permissible exposure limit; or

(3) In emergencies.

Where new respirators are worn, they must have a NIOSH label of approval. Older respirators which have a Mining Enforcement and Safety Administration (MESA) or Bureau of Mines (BM) approval label may be used. If you experience difficulty in breathing while wearing a respirator, tell your employer.

B. *Protective clothing.* Your employer must provide and you must wear suitable protective clothing, such as coveralls, aprons, laboratory coats or work clothes, to prevent lead from getting on your skin.

V. PRECAUTIONS FOR SAFE USE, HANDLING, OR STORAGE

While at work, you must wear clean work clothes and wash yourself when required by the standard, particularly at the end of each workday. You may not wear your work clothes or workshoes home. You may not eat, drink, smoke, or apply cosmetics in any work area containing lead dust, fume, mist or solution. You must wash your hands, forearms, neck and face before eating, drinking, smoking, or applying cosmetics. Careful attention should be paid to removing debris from under your fingernails. Ask your supervisor where lead is used in your work area and for any additional plant safety rules.

APPENDIX B

SUBSTANCE TECHNICAL GUIDELINES

LEAD

I. PHYSICAL AND CHEMICAL DATA

- A. *Product Identification.*
1. Synonyms: None.

2. Formula: Pb

B. *Physical Data.*

1. Specific gravity: 11.34 grams/cc
2. Boiling point: 1744°C
3. Melting point: 327°C
4. Vapor pressure: 1 mm Hg at 970°C
5. Solubility in water: Pb metal insoluble
6. Appearance: grayish white metal

II. FIRE, EXPLOSION, AND REACTIVITY DATA

- A. *Not Hazardous.*

III. SPILL OR LEAK PROCEDURES

- A. Steps to be taken if substance is released or spilled:

1. Cleanup as soon as possible to minimize dispersion of lead dust or fumes.
2. Persons not wearing proper protective equipment should be restricted from areas of spills until cleanup has been completed.

- B. Waste disposal methods must conform to appropriate governmental regulations. If allowed, lead may be disposed of in a sanitary landfill.

IV. MONITORING AND MEASUREMENT PROCEDURES

Measurements taken for the purpose of determining employee exposure under this section are best taken in a manner such that the average 8-hour exposure may be determined from a single 8-hour sample or two

4-hour samples. Air samples should be taken in the employee's breathing zone (air that would most nearly represent that inhaled by the employee). The sampling and analytical method must determine the concentration of lead with an accuracy of not less than plus or minus 20% at a confidence level of 95% for concentrations of lead at or above 50 µg/m³. Methods meeting these accuracy requirements are available in the NIOSH Manual of Analytical Methods.

V. MISCELLANEOUS

- A. The employer must provide and ensure that the employee wears clean protective clothing each day. The employer may not permit any employee to take protective clothing home. The employer must inform the launderer of lead protective clothing of the hazardous properties of lead.

- B. Employers must advise employees of all plant areas and operations where exposure to lead could occur. Lead is used in many occupations and industries, ranging from the manufacture of storage batteries and lead smelting operations to ceramic makers and jewelers.

(Secs. 4, 6, 8, 84 Stat. 1592, 1593, 1599 (29 U.S.C. 653, 655, 657 and 29 CFR Part 1911))

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FRIDAY, OCTOBER 3, 1975



PART III:

DEPARTMENT OF LABOR

Employment Standards
Administration



MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND
FEDERALLY ASSISTED CONSTRUCTIONGeneral Wage Determination Decisions,
Modifications, and Supersedeas Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within

the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

MODIFICATIONS TO GENERAL WAGE
DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Arkansas:	
AR75-4073	Apr. 4, 1975.
AR75-4082	Apr. 18, 1975.
AR75-4083	Apr. 25, 1975.
AR75-4134	July 25, 1975.
California:	
CA 75-5087; CA75-5088	July 25, 1975.
Indiana:	
IN75-2093	July 11, 1975.
New Mexico:	
NM75-4136	Aug. 1, 1975.
New York:	
NY75-3041; NY75-3042; NY 75-3047	Apr. 11, 1975.
Oklahoma:	
OK75-4080	Apr. 18, 1975.
OK75-4116	June 27, 1975.
OK75-4133	July 25, 1975.
OK75-4138; OK75-4140	Aug. 1, 1975.
OK75-4148	Aug. 15, 1975.
OK75-4156	Sept. 5, 1975.
OK75-4158	Sept. 12, 1975.
Pennsylvania:	
AQ-2070	Mar. 15, 1974.
AR-2030	Aug. 30, 1974.
AR-2045; AR-2046	Oct. 18, 1974.
AR-2095	Dec. 13, 1974.
AR-2099	Dec. 27, 1975.
PA75-3025	Mar. 21, 1975.
PA75-3026; PA75-3027	Mar. 28, 1975.
PA75-3028; PA75-3029	Apr. 4, 1975.
PA75-3051	Apr. 18, 1975.
PA75-3053	May 23, 1975.
PA75-3057	May 30, 1975.
PA75-3054; PA75-3058	July 3, 1975.
PA75-3065	July 11, 1975.
PA75-3072; PA75-3073; PA 75-3074; PA75-3075; PA 75-3077; PA75-3078; PA 75-3085	Aug. 22, 1975.

SUPERSEDEAS DECISIONS TO GENERAL
WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State. Supersedeas Decision numbers are in parentheses following the numbers of the decisions being superseded.

Connecticut:	
CT75-2065 (CT75-2113); CT 75-2066 (CT75-2114)	Apr. 25, 1975.
Idaho:	
ID75-5056 (ID75-5120)	May 9, 1975.
Oregon:	
OR-1015 (OR75-5122)	Aug. 16, 1975.
Pennsylvania:	
PA75-3015 (PA75-3101)	Feb. 14, 1975.
PA75-3017 (PA75-3103)	Feb. 21, 1975.
PA75-3019 (PA75-3104)	Feb. 28, 1975.
PA75-3056 (PA75-3102)	June 13, 1975.
South Dakota:	
SD75-5114 (SD75-5121)	Sept. 19, 1975.

Signed at Washington, D.C., this 26th day of September 1975.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

DECISION NO. A275-4131 - Mod. #2
(40 FR 18271 - April 25, 1975)
Garland & Hot Springs Counties,
Arkansas

CHANGE:
CARPENTERS:
Garland County and Northern 2/3
of Hot Springs County
Carpenters
Pile-drivers
Miller-likes
Remainder of Hot Springs County
Carpenters
Miller-likes
Pile-drivers
CEMENT MASONS
PLUMBERS & STEAMFITTERS
SPRINKLER FITTERS
ROOFERS

Basic Hourly Rates	Fringe Benefits Payments			App. To
	N & W	Persons	Vacation	
\$7.05	.25	.25		.04
7.55	.25	.25		.04
7.72	.25			.03
8.07		.55		.02
7.80				.02
6.93		.10		
9.15	.40	.80		.08

DECISION NO. A275-4132 - Mod. #2
(40 FR 17452 - April 18, 1975)
Sebastian & Crawford Counties,
Arkansas

CHANGE:
CEMENT MASONS
ROOFERS
SHEET METAL WORKERS
SPRINKLER FITTERS
PLUMBERS & STEAMFITTERS
PAINTERS:
Brush painters
Miller work, sheetwork, finishing
by machinery
spray painting
Siding stage work
Sandblasting - steam cleaning
All pipe and steel
All mitten and glove painting

\$7.72	.25			.03
6.90		.10		
8.40	.35	.40		.02
9.15	.40	.80		.08
8.50	.30	.35		.02
6.00				
6.25				
7.00				
6.25				
7.00				
6.75				
7.00				

Basic Hourly Rates	Fringe Benefits Payments			App. To
	N & W	Persons	Vacation	
\$7.40		.30		.05
7.65		.30		.05
7.85		.30		.05
7.63	.40	.30		.04
7.93	.40	.30		.04
7.83	.40	.30		.04
7.72	.25			.03
6.55	.40	.20		.10
9.15	.50	.80		.08
8.90		.10		

DECISION NO. A275-4134 - Mod. #2
(40 FR 31453 - July 25, 1975)
Felski County, Arkansas

CHANGE:
CARPENTERS:
Carpenters
Miller-likes & Pile-drivers
ROOFERS
SHEET METAL WORKERS
Change Modification Number one
Decision Number to read
"A275-4134"

\$7.63	.40	.30		.04
7.88	.40	.30		.04
6.90		.10		
8.40	.35	.40		.02

MODIFICATIONS P. 4

DECISION #CA75-5088 - Mod. #2
(40 FR 31456 - July 25, 1975)
Imperial, Kern, Los Angeles,
Orange, Riverside, San
Bernardino, San Luis Obispo,
Santa Barbara and Ventura
Counties, California

Change:

Carpenters:
Carpenters
Saw filers
Table Power Saw Operators
Shinglers; Piledrivers;
bridge or dock carpenters;
Derrick bargemen; Rock
slinger
Hardwood floorlayers
Head rock siliaget
Pneumatic nailer
Millwrights
Cement Masons:
Cement Masons
Cement floating and trowelling
machine
Drywall installers
Plaster's Tenders:
San Luis Obispo County
San Barbara County (Santa
Maria)
San Barbara County (except
Santa Maria)
Roofers:
San Luis Obispo and Santa
Barbara Counties

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Penalties	Vacation	
\$9.07	1.02	1.55	.80	.06
9.15	1.02	1.55	.80	.06
9.17	1.02	1.55	.80	.06
9.20	1.02	1.55	.80	.06
9.27	1.02	1.55	.80	.06
9.30	1.02	1.55	.80	.06
9.32	1.02	1.55	.80	.06
9.57	1.02	1.55	.80	.06
8.76	.95	1.55	1.00	.08
9.01	.95	1.55	1.00	.08
10.74	1.02	1.55	.80	.07
8.00	.75	1.50	.43	
9.43	.75	1.50	.50	
9.23	.75	1.50	.50	
8.83	.535	.34		.0025

MODIFICATIONS P. 3

DECISION #CA75-5087 - Mod. #2
(40 FR 31457 - July 25, 1975)
Imperial, Inyo, Kern, Los
Angeles, Mono, Orange,
Riverside, San Bernardino,
San Luis Obispo, Santa Barbara,
and Ventura Counties,
California

Change:

Carpenters:
Carpenters
Saw filers
Table power saw operators
Shinglers; Piledrivers;
bridge or dock carpenters;
Derrick bargemen; Rock
slinger
Hardwood floor layers
Pneumatic nailer
Millwrights
Cement Masons:
Cement Masons
Cement floating and trowelling
machine
Drywall installers
Plaster's Tenders:
San Luis Obispo County
Santa Barbara County (Santa
Maria)
Santa Barbara County (except
Santa Maria)
Roofers:
San Luis Obispo and Santa
Barbara Counties

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Penalties	Vacation	
\$9.07	1.02	1.55	.80	.06
9.15	1.02	1.55	.80	.06
9.17	1.02	1.55	.80	.06
9.20	1.02	1.55	.80	.06
9.27	1.02	1.55	.80	.06
9.32	1.02	1.55	.80	.06
9.57	1.02	1.55	.80	.06
8.76	.95	1.55	1.00	.08
9.01	.95	1.55	1.00	.08
10.74	1.02	1.55	.80	.07
8.00	.75	1.50	.43	
9.43	.75	1.50	.50	
9.23	.75	1.50	.50	
8.83	.535	.34		.0025

DECISION NO. 1875-2093 Cont'd

Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & W	Pensions	Variations	
CHANGE: CLAIMANTS: Jasper, Newton, & Starks Cos. \$10.51 CONCRETE MASONS: Benton, Carroll (northeast section of Co. south & west to, but not incl. Flora in the eastern section, & south to, but not incl. Rockfield, & west to, but not incl. Tecumseh, Cass, Clinton, Fountain, Fulton, Howard, Jasper (excluding north-eastern portion of Co., but including Westfield) Miami, Montgomery, Newton, Pulaski (excluding northern 2/3 of Co.), Tippecanoe, Warren, & White, Cos. Elkhart, Kosciusko, & LaGrange Cos. Crawford, Dubois, Perry, Posey, Spencer, Vanderburgh, & Warrick Cos. Greene County IRONWORKERS: Elkhart, Fulton, Kosciusko, LaGrange (western 2/3 of Co.), Marshall, Pulaski, & Starke Cos. Clark, Crawford, Floyd, Harrison, Jackson (southern 2/3 of Co.), Jefferson, Jennings (southern 2/3 of Co.), Lawrence (southern 2/3 of Co.), Martin (eastern 2/3 of Co.), Orange, Scott, & Washington Cos.	.50	.57		.05
8.10	.45	.40		.02
9.23	.30			
8.55	.45	.40		
7.85	.30	.20		
9.60	.65	.80		.01
9.95	.65	.70		.05

Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & W	Pensions	Variations	
CHANGE: IRONWORKERS: (CONT'D) Benton, Boone (northwestern 2/3 of Co.), Carroll, Cass, Clinton (western 2/3 of Co.), Fountain, Jasper (southern 2/3 of Co.), Miami, Montgomery, Tippecanoe, Warren, & White Cos. PALMERS: Brown, Greene, Monroe, Morgan, & Owen Cos.: Brush Structural steel Spray Clay & Putnam (Greenacres) Cos.: Brush Spray Structural steel up to 30' to 100' Structural steel 30' to 100' Structural steel over 100' Parkes, & Vermillion Cos.: Brush Spray LABORERS: Heavy & Highway Construction Class I Class II Class III	.65	.90		.02
\$ 9.49				
7.90			.30	
8.65			.30	
8.90			.30	
7.30				.02
8.30				.02
7.55				.02
8.35				.02
9.35				.02
8.15			.25	
9.65			.25	
6.20	.35			.07
6.35	.35			.07
8.45	.35			.07

Add:
Footnote:
 a. 6 paid holidays: A thru F

DECISION NO. 8075-4136

CHANGE:
CABLE SPICERS (CONT'D)

ZONE III

3-A

3-B

ZONE V

5-A

5-B

5-C

5-D

LATHERS - Zone 2

LINE CONSTRUCTION:

Bernalillo County

Cable splicers

Liners

Technicians

Equipment Operators

Equipment Mechanics

Powderman

Groundmen and Jackhammers Oprs.:

1st 6 months

2nd 6 months

Experienced

STATWIDE (Except Bernalillo Co.)

Cable splicers

Liners

Technicians

Equipment Operators

Equipment Mechanics

Powderman

Groundmen and Jackhammers Oprs.:

1st 6 months

2nd 6 months

Experienced

ADO:

McKinley County to Electricians

and Cable Splicers ZONE I - Area

I - Zone Definitions

Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & W	Pension	Vacation	
\$9.86	.50	.97a		.03
9.20	.40	15+.70		1/41
9.85	.40	15+.70		1/41
10.41	.40	15+.70		1/41
11.06	.40	15+.70		1/41
8.40	.40	15+.70		1/41
9.00	.40	15+.70		1/41
9.51	.40	15+.70		1/41
10.10	.40	15+.70		1/41
10.41	.40	15+.70		1/41
8.30	.25	11		1/21
9.75	.25	11		1/21
8.70	.40	11		.01
9.05	.40	11		.01
9.20	.40	11		.01
9.45	.40	11		.01
10.13	.40	15+.70		1/41
10.78	.40	15+.70		1/41
11.34	.40	15+.70		1/41
11.99	.40	15+.70		1/41
9.25	.40	15+.70		1/41
9.85	.40	15+.70		1/41
10.36	.40	15+.70		1/41
10.95	.40	15+.70		1/41
11.34	.40	15+.70		1/41

DECISION NO. 8075-4136 - Mod. #2
(40 FR 32658 - August 1, 1975)
Statewide, New Mexico

CHANGE:

Abstract workers (Statewide, except Union, Harding, Lea, Quay, Roosevelt and Curry Counties)

ELECTRICIANS (ZONE I)

AREA - 1

1-A

1-B

1-C

1-D

AREA - 2

2-A

2-B

2-C

2-D

ZONE II

ZONE IV

4-A

4-B

ZONE VI

6-A

6-B

6-C

6-D

CABLE SPICERS:

ZONE I

AREA 1

1-A

1-B

1-C

1-D

AREA 2

2-A

2-B

2-C

2-D

MODIFICATIONS P. 10

DECISION NO. NY75-3041 - Mod. #2
(40 FR 16395 - April 11, 1975)
Orangetown County, New York

Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
	H & W	Pension	Variable	
Change: Electricians - Elmbridge and Sluiceway Dps. DECISION NO. NY75-3042 - Mod. #2 (40 FR 16399 - April 11, 1975) Orange County, New York	.55	15+.35		.10
Change: Carpenters: Tuxedo, Woodbury, Monroe, part Cornwall, Chester, Blooming Grove and Highlands Carpenters, soft floor layers bridge deck and wharf car- penters, building, heavy and highway construction Remainder of County: Carpenters, soft floor layers, piledrivers, dock builders, building, heavy and highway construction	.85	.75	1.15	.15
DECISION NO. NY75-3047 - Mod. #1 (40 FR 16425 - April 11, 1975) Wayne County, New York	.45	.65	.40	1.05
Change: Electricians: Tps. of Lyons, Galen, Arcadia and Savannah	.55	15+.35		.10

MODIFICATIONS P. 9

DECISION NO. NY75-4138

UNIT:
ELECTRICIANS (ZONE V)
S-A
S-B
S-C
S-D
CABLE SPlicERS (ZONE IV)
4-A
4-B
4-C
4-D
ZONE V ELECTRICIANS' ZONE DEFINI-
TION.
ZONE IV CABLE SPlicERS' ZONE
DEFINITION.

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pension	Variable	
9.15	.30	11		1/21
9.79	.30	11		1/21
10.34	.30	11		1/21
10.93	.30	11		1/21
10.07	.30	11		1/21
10.71	.30	11		1/21
11.26	.30	11		1/21
11.90	.30	11		1/21

MODIFICATIONS P. 11

DECISION NO. OK75-4280 - Mod. #6
(40 FR 17530 - April 15, 1975)
Oklahoma, Cleveland, Caddo, Greddy,
Canadian, Kingfisher, Logan,
Lincoln, McClain, Pottawatomie,
and Seminole Counties, Oklahoma

CHANGE:

Roofers
Terrazzo workers helpers
Terrazzo floor machine man
Terrazzo base machine man
TILE AND MARBLE HELPERS:
Experienced helpers

LABORERS:

ZONE II

Group 1
Group 2

ELECTRICIANS:

Zone I
Zone II
Zone III

CABLE SPlicERS:

Zone I
Zone II
Zone III

SHOVE METAL WORKERS

DECISION NO. OK75-4116 - Mod. #3
(40 FR 27434 - June 27, 1975)
Comanche County, Oklahoma

CHANGE:

PAINTERS:

Brush and roller
Brush & roller (structural steel)
Spray
Sewing staple, boson chair work
Taping & bedding (hand tools)
Sandblasting
ROOFERS
Terrazzo workers' helpers
Terrazzo workers floor machine op-
Terrazzo base machine operator
TILE & MARBLE HELPERS(EXPERIENCED)

DECISION NO. OK75-4133 - Mod. #2
(40 FR 31558 - July 25, 1975)
Garfield County, Oklahoma

CHANGE:

ELECTRICIANS:

Zone I
Zone II
Zone III

CABLE SPlicERS:

Zone I
Zone II
Zone III

FLOODERS-Pipaffeters

ROOFERS

TERRAZZO WORKERS HELPER, FLOOR
MACHINE OPERATOR
TERRAZZO WORKERS HELPER, BASE
MACHINE OPERATOR
TILE & MARBLE HELPERS:
(EXPERIENCED HELPERS)

DECISION NO. OK75-4138 - Mod. #3
(40 FR 32683 - August 1, 1975)
Pittsburg County, Oklahoma

CHANGE:

ROOFERS

DECISION NO. OK75-4140 - Mod. #2
(40 FR 32692 - August 1, 1975)
Tulsa and Creek Counties,
Oklahoma

CHANGE:

ROOFERS

Basic Hourly Rates	Fringe Benefits Payments			App. To
	M & W	Pensions	Vacation	
\$7.68	.25	.25		.06
6.48				
6.58				
6.78				
6.15				
4.85	.25	.20		
5.10	.25	.20		
8.50	.30	12+.50		1/21
8.75	.30	12+.50		1/21
9.00	.30	12+.50		1/21
8.75	.30	12+.50		1/21
9.00	.30	12+.50		1/21
9.25	.30	12+.50		1/21
9.01	.40	.40		.05
\$7.25				.05
7.50				.05
8.00				.05
7.50				.05
7.65				.05
8.00				.05
7.68				.05
6.48	.25	.25		.06
6.58				
6.78				
6.15				
\$8.50	.30	12+.50		1/21
8.74	.30	12+.50		1/21
9.00	.30	12+.50		1/21
8.75	.30	12+.50		1/21
9.00	.30	12+.50		1/21
9.25	.30	12+.50		1/21
9.29	.60	.75		.10
7.53	.25	.25		.06
6.48				
6.58				
6.78				
5.95				
\$7.68	.25	.25		.06
\$7.68	.25	.25		.06

MODIFICATIONS P. 12

DECISION NO. OK75-4148 - Mod. #2

(40 FR 34567 - August 15, 1975)
McIntosh County, OklahomaCHANGE:
Roofers

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
	H & W	Pension	Vacation	Ass. Tr.	
\$7.69	.25	.25			.06

DECISION NO. OK75-4156 - Mod. #1
(40 FR 41363 - September 5, 1975)
Haskell, Adair, and Cherokee
Counties, OklahomaCHANGE:
Roofers

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
	H & W	Pension	Vacation	Ass. Tr.	
\$7.68	.25	.25			.06

DECISION NO. OK75-4158 - Mod. #1
(40 FR 42503 - September 12, 1975)
Mayes County, OklahomaCHANGE:
Roofers

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
	H & W	Pension	Vacation	Ass. Tr.	
\$7.68	.25	.25			.06

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
	H & W	Pension	Vacation	Ass. Tr.	
\$10.75	.50	.80			.08

DECISION #AR-2030 - Mod. #8
(40 FR 31831 - August 30, 1975)
Lancaster County, PennsylvaniaCHANGE:
Sprinkler FittersDECISION #AR-2099 - Mod. #7
(39 FR 44931 - December 27, 1974)
Adams and York Counties,
PennsylvaniaCHANGE:
Electricians
Ironworkers
Roofers, Composition
Roofers, Slate & tile
Sprinkler Fitters

9.90	.35	134.15			.01
9.98	.79	1.11			.03
8.50	.45	.20	.25		
8.90	.45	.20	.25		
10.75	.50	.80			.08

DECISION #AQ-2070 - Mod. #7
(38 FR 10070 - March 15, 1974)
Sullivan County, PennsylvaniaCHANGE:
Roofers
Plumbers & Steamfitters
Sprinkler Fitters
Sheet metal workers
Piledrivers
Ironworkers

9.00	.50	.40			.04
8.97	.59	.40	.20		.08
10.75	.50	.80			
9.55	.69	.40			.12
10.17	1.38	1.10	a		.10
10.55	b				

Add:

FOOTNOTES:

- a. Paid Holidays: Washington's Birthday; Good Friday; Memorial Day; Labor Day; Presidential Election Day; Veterans' Day; Thanksgiving Day & Christmas Day.
b. Employer contributes \$1.90 to a combined Health and Welfare and Pension fund.

DECISION #74-75-3085 - Mod. #1 (40 FR 29517 - July 11, 1975) Lycening County, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
Change: Ironworkers Plumbers & Steamfitters Sprinkler Fitters Sheet metal workers	\$ 9.98 8.97 10.75 9.55	.79 .59 .50 .69	1.11 .40 .80 .40	.20	.03 .04 .08 .02
DECISION #42-3095 - Mod. #4 (39 FR 43494 - December 13, 1974) Northumberland County, Pennsylvania					
Change: Painters: Remainder of County Brush Steel Sprinkler Fitters Ironworkers Bricklayer & Stonemasons Sheet metal workers	7.20 7.62 10.75 9.98 9.10 9.55	.50 .79 .40 .60	.80 1.11 .50 .40		.08 .03 .02

DECISION #74-75-3057 - Mod. #3 (40 FR 23686 - May 30, 1975) Blair County, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
Change: Ironworkers	\$ 9.235	.70	.905		.04
DECISION #74-75-3085 - Mod. #1 (40 FR 36986 - August 22, 1975) Montgomery County, Pennsylvania					
Change: Filedrivermen	10.17	1.58	1.10	x	.12
Add: Footcote: K. Paid Holidays: Washington's Birthday; Good Friday; Memorial Day; Labor Day; Presidential Election Day; Veterans Day; Thanksgiving Day and Christmas Day.					
DECISION #48-2045 - Mod. #5 (39 FR 37345 - October 18, 1974) Lawrence County, Pennsylvania					
Change: Bricklayers & Stonemason Cement Masons Sprinkler Fitters	9.52 9.75 10.75	.45 .50	.67 .80		.08

DECISION NO. PA-75-3051 - Mod. #2 (40 FR 17533 - April 18, 1975) Butler, Cambria, Erie, Fayette, Mercer, Washington, Westmore- land, Lawrence and Somerset Counties, Pennsylvania Add to: Power Equipment Operators Class I: Dozer (D-6 and D-7 or similar)	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pension	Vacation	
DECISION #PA-75-3053 - Mod. #3 (40 FR 28358 - July 3, 1975) Elk County, Pennsylvania Change: Ironworkers	\$ 9.235	.70	.905		.04
DECISION #PA-75-3072 - Mod. #1 (40 FR 36940 - August 22, 1975) Bedford County, Pennsylvania Change: Sprinkler Fitters	10.75	.50	.80		.08
DECISION #AR-2046 - Mod. #5 (39 FR 37349 - October 18, 1974) Mercer County, Pennsylvania Change: Sprinkler Fitters	10.75	.50	.80		.08

DECISION NO. PA-75-3027 - Mod. #3 (40 FR 14268 - March 28, 1975) Cumberland, Dauphin, Perry, Junata, New Cumberland, Deposit in York County, Pennsylvania Change: Sprinkler Fitters Ironworkers	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pension	Vacation	
	\$10.75 9.98	.50 .79	.80 1.11		.08 .03
DECISION NO. PA-75-3053 - Mod. #2 (40 FR 22782 - May 23, 1975) Lebanon County, Pennsylvania Change: Sprinkler Fitters Ironworkers	10.75 9.98	.50 .79	.80 1.11		.08 .03

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Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
	H & W	Pensions	Vacation		
DECISION #PA-75-3073 - Mod. #1 (40 FR 36943 - August 22, 1975) Armstrong County, Pennsylvania Change: Bricklayers & Stonemasons	\$ 9.58	.45	.67		
DECISION #PA-75-3074 - Mod. #2 (40 FR 36946 - August 22, 1975) Beaver County, Pennsylvania Change: Cement Workers	10.43				
DECISION #PA-75-3075 - Mod. #2 (40 FR 36949 - August 22, 1975) Indiana County, Pennsylvania Change: Bricklayers & Stonemasons	9.58	.45	.67		

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
	H & W	Pensions	Vacation		
DECISION #PA-75-3077 - Mod. #2 (40 FR 36957 - August 22, 1975) Warren County, Pennsylvania Change: Millwrights Soft Floor Layers	\$ 8.90 8.40	.35 .35	.20 .20		.02 .02
Add: Painters: Columbus & Freeland Twp Brush Structural Steel Spray	8.03 8.63 8.43	.37 .37 .37	.40 .40 .40		.03 .03 .03
DECISION #PA-75-3078 - Mod. #3 (40 FR 36961 - August 22, 1975) Forest & McLean Counties, Pennsylvania Change: Ironworkers: McLean County Millwrights	9.235 8.90	.70 .35	.905 .20		.04 .02

DEFECTION NO. CT75- 2113

DECISION NO. 1032-2125	Basic Monthly Rates	Fringe Benefits Payments			
		H & W	Pension	Vacation	App. Fr.
PAINTERS (Cont'd):					
Litchfield County: Barhamsted, Colebrook, New Hartford, Norfolk, & Winchester; New London County: Bozrah, Colchester, East Lyme, Franklin, Groton, Lebanon, Lisbon, Lyme, Montville, Norwich, Old Lyme, Salem, Sprague, & Waterford; Windham County: Chaplin, Hampton, Scotland, & Windham	\$9.65	.35	.30		.01
New London County: Groton; Windham County: Danielson	9.25 9.25	.45 .35	.55	=	.01 .01
LEADERS					
LINE CONSTRUCTION:					
Fairfield County: Darien, Greenwich, New Canaan, Stamford, & that portion of Norwalk west of Five Mile River	9.33	3 3/42	5 1/2+mo	10%	1/2 of 1%
Cable splicers	9.33	3 3/42	6 1/2+mo	10%	1/2 of 1%
Driver groundmen	9.33	3 3/42	6 1/2+mo	10%	1/2 of 1%
Fairfield County: Remainder of County; Litchfield County: New London County; & Windham County	10.16	.40	1%	P	3/8 of 1%
Livemen	9.48	.40	1%	P	3/8 of 1%
Equipment operators	7.32	.40	1%	P	3/8 of 1%
DRIVER SETTERS' HELPERS:					
Fairfield County: Darien, Greenwich, Norfolk, Stamford, & Westport	7.33	.74	.88	9	
DRUMBLE SETTERS' HELPERS; Terrazzo workers' helpers; & Tile setters' helpers:					
Fairfield County: Remainder of County; Litchfield County: New London County; & Windham County	8.40	.35	.50		
PAINTERS:					
Bridge (All counties)	9.525	.35	.525		.01
Brush	13.025	.35	.525		.01
Fairfield County: Greenwich					
Brush; Structural steel; Paperhangers; Tapers	7.50	.20	.65	.30	
Spray	11.25	.20	.65	.30	

DECISION NO. CT75-2113

DECISION NO. 157-1-1977

	Basic Monthly Rates	Fringe Benefits Payments				App. To
		M & W	Families	Vacation		
ELECTRICIANS (Cont'd): <u>Litchfield County: Plymouth Building construction</u> <u>Residential construction</u> <u>New London County: Ennah, Colchester, Franklin, Griswold, Lebanon, Lebard, Lisbon, Montville, North Stonington, Norwich, Preston, Salem, Sprague, Stonington, & Voluntown; Windham County</u> <u>Building construction</u> <u>Residential construction</u> <u>New London County: East Lyme, Groton, Lyme, New London, Old Lyme, & Waterford</u> <u>Litchfield County: Remainder of County</u> <u>ELEVATOR CONSTRUCTORS</u> <u>ELEVATOR CONSTRUCTORS' HELPERS</u> <u>ELEVATOR CONSTRUCTORS' HELPERS</u> (Prob.)	\$9.87	.55	114.50			1/2 of 11
	5.53	.55	114.50			1/2 of 11
	10.55	.75	114.45			1/2 of 11
	5.50	.75	114.45			1/2 of 11
	10.06	.70	114.40			1/2 of 11
	9.55	.82	114.60			1/2 of 11
	9.50	.85	.29	214.44		.02
	6.65	.65	.29	214.44		.02
	4.75					
	9.10	.66	1.66	.365		.03
GLAZIERS: <u>Fairfield County: Greenwich Fairfield County (Remainder of County); Litchfield County</u> <u>New London County: Windham County</u> <u>IRONWORKERS: Ornamental; Reinforcing; Structural; & Precast concrete erection</u> <u>LATHERS:</u> <u>Fairfield County: Bridgeport, Easton, Fairfield, Monroe, Redding, Ridgefield, Shelton, Stratford, Trumbull, Weston, Westport, & Wilton</u> <u>Fairfield County: Greenwich, New Canaan, Norwalk, & Stamford</u> <u>Fairfield County: Bethel, Brookfield, Danbury, New Fairfield, Newtown, & Sherman; Litchfield County: Bethelsham, Bridgewater, Cornwall, Cochen, Harwinton, Litchfield, Morris, New Milford, North Canaan, Plymouth, Roxbury, Thomaston, Torrington, Warren, Washington, Watertown, & Woodbury</u>	9.53	.95	.47	1		.01
	10.01	.64	.55	k		
	10.80	.55	.74	1		.04
	9.73	.35	.40			.01
	8.51	.35	.20	.75		.01
	9.65	.35	.30			.01

DECISION NO. C775-2113

Basic Hourly Rates	Fringe Benefits Payments			Basic Hourly Rates	Fringe Benefits Payments		
	H & V	Pension	Vacation		H & V	Pension	Vacation
PAINTERS (Cont'd): Fairfield County: Barre, Easton, Fairfield, Stratford, Stratford, & Trumbull	.35	.55		\$7.90	.55	.30	
Brush	.35	.55		11.21	.55	.30	
Spray	.35	.55					
Taper	.35	.55					
Fairfield County: Danvers & Standard	.35	.55					
Brush; Structural steel	.35	.55					
Spray	.35	.55					
Fairfield County: New Canaan, Norwalk, Weston, Westport, & Wilton	.35	.55					
Brush	.35	.55					
Fairfield County: Bethel, Brook- field, Danbury, New Fairfield, Newtown, Redding, Ridgefield, Sandy Hook, & Sherman; Litchfield County: New Milford	.35	.55					
Brush; Roller	.35	.55					
Paperhangers; Tapers	.35	.55					
Epoxy	.35	.55					
Residential	.35	.55					
Fairfield County: Byron	.35	.55					
Brush	.35	.55					
Spray	.35	.55					
Steel & swing stage & boatswain chair	.35	.55					
Drywall taper	.35	.55					
Fairfield County: Monroe, & Shelton	.35	.55					
Brush	.35	.55					
Lead roller; Paperhangers	.35	.55					
Structural steel	.35	.55					
Spray	.35	.55					
Wilton County: Williamantic & Wilton	.35	.55					
Brush; Tapers	.35	.55					
Paperhangers	.35	.55					
Riding steel, steamcleaning, sandblasting, tanks, towers, & hazardous work	.35	.55					
Spray	.35	.55					

DECISION NO. C775-2113

Basic Hourly Rates	Fringe Benefits Payments			Basic Hourly Rates	Fringe Benefits Payments		
	H & V	Pension	Vacation		H & V	Pension	Vacation
PAINTERS (Cont'd): Fairfield County: Bridgeport, Easton, Fairfield, Stratford, Stratford, & Trumbull	.35	.55		\$7.90	.55	.30	
Brush	.35	.55		11.21	.55	.30	
Spray	.35	.55					
Taper	.35	.55					
Fairfield County: Danvers & Standard	.35	.55					
Brush; Structural steel	.35	.55					
Spray	.35	.55					
Fairfield County: New Canaan, Norwalk, Weston, Westport, & Wilton	.35	.55					
Brush	.35	.55					
Fairfield County: Bethel, Brook- field, Danbury, New Fairfield, Newtown, Redding, Ridgefield, Sandy Hook, & Sherman; Litchfield County: New Milford	.35	.55					
Brush; Roller	.35	.55					
Paperhangers; Tapers	.35	.55					
Epoxy	.35	.55					
Residential	.35	.55					
Fairfield County: Byron	.35	.55					
Brush	.35	.55					
Spray	.35	.55					
Steel & swing stage & boatswain chair	.35	.55					
Drywall taper	.35	.55					
Fairfield County: Monroe, & Shelton	.35	.55					
Brush	.35	.55					
Lead roller; Paperhangers	.35	.55					
Structural steel	.35	.55					
Spray	.35	.55					
Wilton County: Williamantic & Wilton	.35	.55					
Brush; Tapers	.35	.55					
Paperhangers	.35	.55					
Riding steel, steamcleaning, sandblasting, tanks, towers, & hazardous work	.35	.55					
Spray	.35	.55					

DECISION NO. C775-2113

Basic Monthly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pension	Vacation	
\$11.04	6%	5%		.02
9.20	.50	.51		.05
10.53	.50	.80		.08
10.44	.65	.65		.13
7.58	.50	1.27		

SECRET METAL WORKERS:

Fairfield County; & Litchfield

County

New London County; & Windham

County

STEAMFITTERS:

Litchfield County; Barkhamsted,

& New Hartford; Windham County;

Windham

TILE SETTERS' HELPERS:

Fairfield County; Danien, Green-

wich, Norwalk, Stamford, & West-

port

DECISION NO. C775-2113

Basic Monthly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pension	Vacation	
\$5.29	.40	.50	.27544	
9.25	.80	.50		
9.75	.425	.60	.45	
9.25	.425	.60	.45	
9.20	.50	1.40	1.40	
7.50	.50	1.00	1.00	

PLUMBERS (Cont'd):

New London County; Barre, Col-

chester, East Lyme, Franklin,

Griswold, Groton, Lebanon, Lisbon

Lyme, Montville (to Four Corners)

New London, North Stonington,

Norwich, Old Lyme, Preston, Salem

Sprague, Stonington, Voluntown, &

Waterford; Windham County;

entire county, except Windham

ROOFERS:

Fairfield County, except that

portion of Fairfield County

bounded on the east by the

eastern boundary of Greenwich;

Litchfield County: Bethlehem,

Bridgewater, Kent, New Milford,

Boxbury, Washington, & Woodbury

Litchfield County: Bantam, Canaan

Colerbrook, Cornwall, Cornwall

Bridge, East Canaan, Falls

Village, Cayleesville, Coshen,

Lakeside, Litchfield, Marbledale,

Morris, New Hartford, New Preston

Norfolk, Northfield, Oakville,

Pequotuck, Pine Meadow, Pleasant

Valley, Plymouth, Riverton,

Salisbury, Sharon, South Kent,

Taconic, Terryville, Thebarton,

Torrington, Washington Depot,

Watertown, West Cornwall, West

Coshen, Winchester Center, &

Winstry; New London County; &

Windham County

Composition

Slate & Tile

Fairfield County; that portion of

Fairfield County bounded on the

east by the eastern boundary of

Greenwich

Slate & Tile

Helpers

DECISION NO. C775-2113

LABORERS

(Building, Heavy, & Highway Construction)

LABORERS (Building Construction):

Laborers; Carpenters' tenders; Jackhammer operators; Mason tenders; Mortar mixers; Pipe layers; Plasterers' tenders; & Power buggy
 Air track operators; Sandblasters; & Wagon drill operators
 Open Air Calsonic, Cylindrical Work and Boring Crews:
 Top man
 Bottom man

LABORERS (Heavy and Highway Construction):

Laborers
 Acetylene burners; Asphalt rollers; Chain saw operators; Concrete & power buggy operators; Concrete saw operators; fence & guard rail erectors; Form setters; Hand operated concrete vibrator operators; Hand operated vibratory compactor operators; Mason tenders; Pipelayers; Pneumatic drill operators; Pneumatic Gas & Electric drill operators; Powdermen & wagon drill operators
 Air track operators; Block pavers; Curb setters
 Elastomers

Basic Hourly Rates	Fringe Benefits Payments		
	H & W	Premium	Vacation
\$7.25	.50	.45	.05
7.50	.50	.45	.05
7.75	.50	.45	.05
7.25	.50	.45	.05
7.75	.50	.45	.05
7.00	.50	.45	.05
7.25	.50	.45	.05
7.75	.50	.45	.05

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DECISION NO. C775-2113

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

- 2 paid holidays: C & D
- 7 paid holidays: A through F, & Good Friday. Employee must work 3 days during the work week in which the holiday falls, if scheduled, & if scheduled, the working day before & the working day after the holiday.
- 4 paid holidays: B, C, D, & Good Friday. Employee must be employed 14 consecutive days immediately prior to the holiday.
- 3 paid holidays: C, D, & E
- 4 paid holidays: B, C, D, & E
- 3 paid holidays: B, C, & D
- The last 4 regular working hours prior to Christmas shall be a paid half day.
- 6 paid holidays: A through F
- Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as vacation pay credit.
- 9 paid holidays: A through F, Washington's Birthday, Good Friday, & Columbus Day
- 9 paid holidays: A thru F, Washington's Birthday, Good Friday, & Columbus Day.
- The last 4 hours on Christmas Eve is a paid half day if employee has worked 5 consecutive days prior to Christmas Eve.
- 9 paid holidays: A through F, Washington's Birthday, Good Friday, & Christmas Eve provided the employee has worked 45 full days for the employer during the 120 days prior to the holiday and is available for work the day preceding and following the holiday.
- 1% of the gross electrical labor payroll
- Employer contributes \$1.50 per day to a supplemental unemployment fund.
- 9 paid holidays: A through F, Washington's Birthday, Good Friday, & a floating holiday per year provided the employee has been employed for a period of 5 working days prior to the holidays & works the scheduled work days immediately preceding & following the holidays
- 1 paid holiday: St. Patrick's Day
- 2 paid holidays: C, & D providing the employee works the day before and the day after the holiday
- 4 paid holidays: B, C, D, & E providing the employee works the day before and the day after the holiday
- 1 paid holiday: D
- 2 paid holidays: B & D & half day paid holiday the Friday after Thanksgiving & the last working day before Christmas, & Good Friday paid half day.
- 1 paid holiday: D

DECISION NO. GT75-2113

POWER EQUIPMENT OPERATORS
(Building construction)

POWER EQUIPMENT OPERATORS:

Berrick; Hoisting engineer 2 drums and over; Hoisting structural steel; Pile driver; % Setting stone
 Dragline; Fork lift - over 4' lift; Front end loader - 7 cy. or over; Grapple; Hoisting engineer (all types of equipment where a drum and cable are used to hoist, pull or drag material regardless of motive power or operation); Loading scoop loader and/or hoe; Master mechanic; Shovel; 3 Tower crane
 Maintenance engineer
 Central mix operator; Coleman loader and screening plant or similar equipment; Combination hoe and loader over 1/4 yd.³; Conveyers - regardless of motive power; Front end loader - 3 cy. up to 7 cy.; High pressure portable boiler; Joy drill - limited to joy heavy weight champion or equivalent; Mocking machines; Rock digger; Pumpcrete machine; Rock boring machine; Vibratory hammer; Welder; Well digger
 Compressor battery operator
 Asphalt spreader
 Bulldozer; Carry-all operators; Grader; & Stripper pan
 Combination hoe and loader machine; Concrete mixer - 5 bags or over; Front end loader under 3 cy.; Paverstone spreader
 Air and steam valve
 Compressor; Generator; Pump and Well point; Welding machine

Basic Hourly Rates	Fringe Benefits Payments			Apr. Tr.
	H & V	Penalties	Vacation	
\$10.20	.40	.80	a	.10
10.10	.40	.80	a	.10
10.00	.40	.80	a	.10
9.75	.40	.80	a	.10
9.25	.40	.80	a	.10
9.60	.40	.80	a	.10
9.55	.40	.80	a	.10
9.50	.40	.80	a	.10
9.05	.40	.80	a	.10
8.95	.40	.80	a	.10

DECISION NO. GT75-2113

POWER EQUIPMENT OPERATORS
(Building construction)

POWER EQUIPMENT OPERATORS (Cont'd):

Fork lift not over 4'; & Steam
 Jenny
 Mechanical hoister
 Roller
 Disky machine; Power pavement
 Breaker
 Fireman (High pressure)
 Oilier
 Crane with boom, excluding jib, over 150' - \$.25 extra
 Crane with boom, excluding jib, over 100' - \$.30 extra

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day;
 C-Independence Day; D-Labor Day;
 E-Thanksgiving Day; & F-Christmas Day

FOOTNOTE:

a. 7 paid holidays: A through F, and Good Friday

Basic Hourly Rates	Fringe Benefits Payments			Apr. Tr.
	H & V	Penalties	Vacation	
\$9.40	.40	.80	a	.10
8.80	.40	.80	a	.10
9.30	.40	.80	a	.10
9.15	.40	.80	a	.10
8.60	.40	.80	a	.10
8.20	.40	.80	a	.10

DECISION NO. C775-2113

POWER EQUIPMENT OPERATORS
(Heavy and Highway construction)

POWER EQUIPMENT OPERATORS:

Class	Basic Hourly Rates	H & W	Perquisites	Variable	App. To
Class 1	\$10.22	.40	.80	a	.10
Class 2	10.09	.40	.80	a	.10
Class 3	9.79	.40	.80	a	.10
Class 4	9.61	.40	.80	a	.10
Class 5	9.48	.40	.80	a	.10
Class 6	9.31	.40	.80	a	.10
Class 7	9.13	.40	.80	a	.10
Class 8	8.53	.40	.80	a	.10
Class 9	8.62	.40	.80	a	.10
Class 10	8.95	.40	.80	a	.10
Class 11	9.26	.40	.80	a	.10
Class 12	8.21	.40	.80	a	.10
Class 13	8.70	.40	.80	a	.10

Crane with 150' boom - \$4.25 extra
Crane with 200' boom - \$4.50 extra

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a, 7 paid holidays: A through F, and Good Friday

CLASSIFICATIONS:

- Class 1: Erecting and handling structural steel; Front end loader (7 cy. or over)
- Class 2: Pile driver; Power shovel and crane; Draglines; Grapple; Trenching machine; Lighter derrick; Paver (concrete); Derrick (stiff leg and guy); Steel pile sheeting; Knocking loader (skooter); Master mechanic
- Class 3: Drill (Joy heavy weight champion or equivalent); Side boom loader (Euclid); Working machine; Rammer; Rock and earth boring machine; Post hole digger; Well digger; Hammer (vibratory); Central mix; Combination hoe & loader (over 1/4 yd)
- Class 4: Asphalt spreader
- Class 5: Front end loader (3 yds. or over); Grader; Power stone spreader; Combination hoe and loader
- Class 6: Asphalt roller; Bulldozer; Carryall; Maintenance engineer; Concrete mixer (5 bags and over); Welder
- Class 7: Front end loader (under 3 yds.); Roller; Power chipper; Fork lift; Finishing machine; Asphalt plant; Power pavement breaker; Dinky machine
- Class 8: Compressor; Pump
- Class 9: Fireman (high pressure)
- Class 10: Well point system
- Class 11: Compressor battery
- Class 12: Oiler
- Class 13: Batch plant; Bulk cement plant

DECISION NO. C775-2113

TRUCK DRIVERS
(Building, Heavy, and Highway Construction)

TRUCK DRIVERS:

Class	Basic Hourly Rates	H & W	Perquisites	Variable	App. To
Class 1	\$6.99	a	b	c	c
Class 2	7.09	a	b	c	c
Class 3	7.19	a	b	c	c
Class 4	7.16	a	b	c	c
Class 5	7.24	a	b	c	c
Class 6	7.29	a	b	c	c

CLASSIFICATIONS:

- Class 1: Two axle trucks; Bellows
- Class 2: Three axle trucks; Two axle ready mix
- Class 3: Four axle trucks; Heavy duty trailer-up to 40 tons
- Class 4: Three axle ready-mix
- Class 5: Four axle ready-mix; Specialized earth moving equipment other than conventional type on-the-road trucks and semi-trailers (including Euclids)
- Class 6: Heavy duty trailer-40 tons and over

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

- a. \$20.20 per week for employees employed over 16 hours and \$4.42 per hour for employees employed less than 16 hours during the week
- b. \$23.00 per week for employees employed over 16 hours and \$5.75 per hour for employees employed less than 16 hours during the week
- c. 7 paid holidays: A through F, and Good Friday provided the employee has 31 calendar days' service and is available for work the day preceding and following the holiday

SUPERSEDES DECISION

STATE: Connecticut
 DECISION NUMBER: CT75-2114
 SUPERSEDES DECISION No. 2 CT75-2066 dated April 25, 1975 in 40 FR 18296.
 DESCRIPTION OF WORK: Building construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction

COUNTIES: See below
 DATE: Date of Publication

DECISION NO. CT75-2114

Basic Monthly Rates	Fringe Benefits Payments			Apr. 75
	W & W	Penalties	Vacation	
Hartford, Middlesex, New Haven, & Tolland				
ASBESTOS WORKERS:				
Hartford County: Avon, Berlin, Bloomfield, Bristol, Burlington, Canton, East Hartford, East Windsor, Farmington, Glastonbury, Hartford, Manchester, Marlborough, New Britain, Newington, Plainville, Rocky Hill, Simsbury, South Windsor, West Hartford, Westfield, & Windsor				
Middlesex County: New Haven County: & Tolland County: Andover, Bolton, Columbia, Coventry, Ellington, Hebron, Mansfield, Tolland, Vernon, & Willington	\$10.14	.65	.96	
Hartford County: East Granby, Enfield, Granby, Hartland, Souffield, & Windsor Locks; Tolland County: Somers, Stafford, & Union	9.60 10.00	.34 .40	.75 1.00	.01 .01
BRICKLAYERS				
Finishers; Cement masons; Plasterers; Stonemasons; Terrazzo workers; & Tile setters (Building Construction):				
Hartford County: Avon, Bloomfield, Farmington, Enfield, East Granby, East Hartford, Farmington, Glastonbury, Granby, Hartland, Hartland, Manchester, Marlborough, Rocky Hill, Simsbury, South Windsor, Suffield, Thompsonville, West Hartford, Westfield, Windsor, Windsor Locks; Tolland County: Andover, Bolton, Columbia, Coventry, Ellington, Hebron, Mansfield, Somers, Stafford, Storrs, Tolland, Union, Vernon, & Willington	9.60	.50	.25	
Hartford County: Berlin, Kensington, New Britain, Newington, Plainville, & Southington; New Haven County: Meriden	9.15	.50	.50	
BRICKLAYERS (Cont'd):				
Hartford County: Canton	\$9.45	.50		
Middlesex County: New Haven County: Bethany, Branford, East Haven, Guilford, Hamden, Madison, New Haven, North Branford, North Haven, Orange, West Haven, Woodbridge, part of Milford, and parts of Cheshire	9.35 9.10	.50 .50		
New Haven County: Asseca, & Derby				
Hartford County: Bristol, Meriden & Plainville; New Haven County: Beacon Falls, Middlebury, Milville, Naugatuck, Prospect, Waterbury, & Wolcott	9.41	.50	.35	
New Haven County: Devon to the Orange Town line and the Indian River in Milford	9.40	.50	.50	
BRICKLAYERS (Heavy and Highway Construction):				
New Haven County: Milford	8.50	.50	.50	b
Hartford County: Middlesex County: & Tolland County, except Milford	8.45	.50	.50	b
CARPENTERS; Millwrights; Piledrivers; & Soft floor layers (Building construction):				
New Haven County: Milford	9.35	.50	.30	c
Hartford County: Avon, East Granby, East Hartford, East Windsor, Enfield, Farmington, Glastonbury, Granby, Hartford, Hartland, Manchester, Rocky Hill, Simsbury, South Windsor, Suffield, Thompsonville, Unionville, West Hartford, Westfield, Windsor, Windsor Locks; Tolland County: Bolton, Ellington, Rockville, Somers, Stafford, Tolland, Union, & Vernon				
Hartford County: Berlin, Bristol, Canton, East Berlin, Kensington, Meriden, Middale, New Britain, Newington, Plainville, & Southington; Middlesex County: New Haven County: Meriden, & Wallingford	9.30	.50	.30	.05 .05

DECISION NO. C775-2114

Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & W	Pension	Vacation	
ELECTRICIANS: New Haven County: Milford, Hartford County: Berlin, Bristol, New Britain, Westington, Plainville, & Southington Hartford County: Suffield, & Thompsonville Hartford County: Hartland; New Haven County: Meriden Falls, Middletown, Naugatuck, Oxford, Prospect, Seymour, Southbury, Waterbury, & Wolcott Hartford County: Remainder of County; Middlesex County: Cromwell, Middlefield, Middletown, & Portland; Tolland County: Middlesex County: Canton, Cheshire, Clinton, Cobalt, Deep River, Durham, East Hampton, Essex, Haddam, Higganum, Ivoryton, Middle Haddam, Moodus, Old Saybrook, Rockfall, & Westbrook; New Haven County: Ansonia, Branford, Cheshire, Derby, Guilford, Madison, Meriden, New Haven, North Branford, North Haven, Northford, Orange, South Britain, & Wallingford ELEVATOR CONSTRUCTORS ELEVATOR CONSTRUCTORS' HELPERS ELEVATOR CONSTRUCTORS' HELPERS (Prob.) CLATTERS: New Haven County, except Wallingford Hartford County: Middlesex County: Tolland County: Wallingford; New Haven County: Wallingford; Tolland County: Wallingford; FROM WRECKED: Structural; & Precast concrete erection	\$10.05 9.87 8.29 9.55 10.55	.58 .55 .68 .82 .75	12+.30 12+.50 12+.15 12+.60 12+.45	1/2 of 1% 1/2 of 1% 8 1/8 of 1% 1/2 of 1%

DECISION NO. C775-2114

Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & W	Pension	Vacation	
CARPENTERS (Cont.): New Haven County: Bethany, Branford, East Haven, Guilford, Haddam, Haddam, New Haven, North Branford, North Haven, South Cheshire, West Haven, & Woodbridge New Haven County: Ansonia, Derby, Orange, Oxford, & Seymour New Haven County: Meriden Falls, Bethany (to the firehouse), Cheshire (west of Route #10 from Southington to Belden line), Middlebury, Naugatuck, Prospect, Southbury, Waterbury, & Wolcott CARPENTERS (Heavy and Highway construction): New Haven County: Milford, Orange (west of Orange Center Road and north of Route #1 and that part of Orange south of Route #1 and west of the Oyster River) Hartford County: Avon, Berlin, Bloomfield, Bristol, Burlington, Canton, East Granby, East Hartford, East Windsor, Fairfield, Farmington, Glastenbury, Granby, Hartford, Hartland, Manchester, Marlborough, New Britain, Westington, Plainville, Rocky Hill, Simsbury, South Windsor, Southington, Suffield, West Hartford, Wethersfield, Windsor, Windsor Locks Middlesex County: Cheshire, Clinton, Cromwell, Deep River, Durham, East Haddam, East Hampton, Essex, Haddam, Killingworth, Middlefield, Middletown, Old Saybrook, Portland, & Westbrook; New Haven County: Meriden, & Wallingford; Tolland County: Bolton, Ellington, Smerns, Stafford, & Tolland Remainder of New Haven County & Tolland County	.50 .35 .50 .65 .25 .25	.30 .30 .30 .40 .40 .40	d e f f f f	.03 \$50.00 p/y .05

DECISION NO. C775-2114

Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & W	Pension	Vacation	
LINE CONSTRUCTION:				
Linenmen	.40	12	0	3/8 of 12
Equipment operators	.40	12	0	3/8 of 12
Driver groundmen	.40	12	0	3/8 of 12
MOBILE SETTING: HELPERS: Terrazzo workers' inspect & tile setters' helpers	.35	.50		
PAINTERS:				
Bridges:				
Brush	.35	.525		.01
Spray	.35	.525		.01
New Haven County: Milford (up to Gulf Street)				
Brush	.35	.55	P	
Taping	.35	.55	P	
Spray	.35	.55	P	
Martford County: Avon, Bloomfield, Broad Brook, Canton, East Granby, East Hartford, East Windsor, Enfield, Farmington, Glastonbury, Granby, Hartford, Manchester, Marlborough, Rocky Hill, Poquonock, Simsbury, South Windsor, Suffield, South Manchester, West Hartford, West Simsbury, Westfield, Windsor, & Windsor Locks; Tolland County: Andover, Ashford, Bolton, Columbia, Coventry, Ellington, Lebanon, Mansfield, Rockville, Stafford, Somers, Tolland, Union, Vernon, & Willington				
Brush; Tapers	.50	.30		
Paperhangers	.50	.30		
Riding steel, steamcleaning, sandblasting, tank, towers, & hazardous work	.50	.30		
Spray	.50	.30		

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Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & W	Pension	Vacation	
LATHES:				
Hartford County: Bristol, South-ington, New Haven County: Beacon Falls, Bethany, Cheshire, Meriden, Middlebury, Naugatuck, Oxford, Prospect, Southbury, Waterbury, & Wolcott	.35	.30		.01
Hartford County: Avon, Berlin, Bloomfield, Burlington, Canton, East Granby, East Hartford, Farmington, Glastonbury, Granby, Hartford, Manchester, Marlborough, New Britain, Newington, Plainville, Rocky Hill, Simsbury, South Windsor, West Hartford, Windsor, & Windsor Locks; Middlesex County: Cromwell, East Windsor, East Hampton, Middlefield, Middletown, & Portland; Tolland County: Andover, Bolton, Columbia, Coventry, Lebanon, Mansfield, & Vernon	.35	.30		.01
Hartford County: Broad Brook, Enfield, Farmington, Meriden, Suffield, Thompsonville, & Warehouse Point; Tolland County: Crystal Lake, North Somers, Somers, Stafford, Stafford Springs, Staffordville, & Union; Middlesex County: Chester, Clinton, Deep River, Durham, Essex, Haddam, Killingworth, Old Saybrook, & Westbrook; New Haven County: Ansonia, Branford, Derby, East Haven, Eastford, Hamden, Madison, Milford, New Haven, North Branford, North Haven, Orange, Seymour, Wallingford, West Haven, & Woodbridge	.45	.25		.01
LEADERS:	.50	.30		.01
	.35			.01

NOTICES

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DECISION NO. CT75-2114

Basic Hourly Rates	Fringe Benefits Payments			Apr. 75
	H & W	Pension	Vacation	
PAINTERS (Cont'd): Hartford County: Berlin, Bristol, Burlington, Canton, East Granby, East Hartford, East Windsor, Fairfield, Farmington, Glastonbury, Groton, Hartford, Hartland, Manchester, Marlborough, Newington, Rocky Hill, Simsbury, South Windsor, Springfield, West Hartford, Wethersfield, Windsor, Windsor Locks; Middlesex County: Chester, Cromwell, Deep River, East Haddam, East Hampton, Haddam, Meriden (Atomic River Project), Middletown, Middletown, & Portland; Tolland County: Andover, Bolton, Columbia, Coventry, Ellington, Hebron, Mansfield, Somers, Stafford, Storrs, Tolland Union, Vernon, & Willington	\$7.90 11.21	.55 .55	.30 .30	
Brush; Roller Spray; High				
New Haven County: Ansonia, Beacon Falls, Derby, Oxford, & Seymour	8.75	.35	.80	.01
Brush	9.25	.35	.80	.01
Hand roller; Paperhangers	9.75	.35	.80	.01
Structural steel	12.25	.35	.80	.01
Spray				
New Haven County: Bethany, Branford, East Haven, Hamden, Milford (South on Gulf Street and north on North Street), New Haven, North Branford, North Haven, Orange, West Haven, Woodbridge, & Woodmont	8.50	.35	.50	.02
Brush; Sandblasting	8.85	.35	.50	.02
Tapers	9.00	.35	.50	.02
Paperhangers	11.25	.35	.50	.02
Spray				
New Haven County: Middlebury, Naugatuck, Prospect, Roxbury, Southbury, Thomaston, Washington, Waterbury, Watertown, Wolcott, & Woodbury	8.05	.35	.60	
Brush	8.30	.35	.60	
Paperhanger	8.30	.35	.60	
Taping				

PLUMBERS:

Hartford County: Avon, Bloomfield, Burlington, Canton, East Granby, East Hartford, East Windsor, Fairfield, Farmington, Glastonbury, Groton, Hartford, Hartland, Manchester, Marlborough, Newington, Rocky Hill, Simsbury, South Windsor, Springfield, West Hartford, Wethersfield, Windsor, Windsor Locks; Middlesex County: Chester, Cromwell, Deep River, East Haddam, East Hampton, Haddam, Meriden (Atomic River Project), Middletown, Middletown, & Portland; Tolland County: Andover, Bolton, Columbia, Coventry, Ellington, Hebron, Mansfield, Somers, Stafford, Storrs, Tolland Union, Vernon, & Willington

PLUMBERS; Steamfitters:

New Haven County: Milford
Hartford County: Southington;
New Haven County: Cheshire, Meriden, & Wallingford
Hartford County: Berlin, Bristol, East Berlin, Kensington, New Britain, & Plainville
Middlesex County: Clinton, Killingworth, & Westbrook; New Haven County: Branford, Derby, East Haven, Guilford, Hamden, Madison, New Haven, North Branford, North Haven, Orange, West Haven, & Woodbridge
Middlesex County: Essex, Ivoryton & Saybrook
New Haven County: Ansonia, Beacon Falls, Bethany, Naugatuck, Oxford, Prospect, & Seymour
New Haven County: Middlebury, Southbury, South Britain, Waterbury, & Wolcott

DECISION NO. CT75-2114

DECISION NO. C775-2114

PROOFERS:

New Haven County: Ansonia, Benton
 Falls, Bethany, Branford, Derby,
 East Haven, Guilford, Hamden,
 Madison, Milford, Middlebury,
 Naugatuck, New Haven, North Bran-
 ford, North Haven, Orange, Oxford
 Seymour, Union City, West Haven,
 & Woodbridge
 Hartford County: Middletown County:
 Meriden, Prospect, Wallingford,
 & Wolcott; & Tolland County:
 Composition
 Slate, Tile
 SHEET METAL WORKERS
 SPRINKLER FITTERS

STEWARTS:
 Hartford County: Avon, Bloomfield
 Burlington, Canton, East Granby,
 East Hartford, East Windsor,
 Enfield, Farmington, Glastonbury,
 Granby, Hartford, Hartland, Men-
 chester, Marlborough, Newington,
 Rocky Hill, Simsbury, South
 Windsor, Suffield, West Hartford,
 Wethersfield, Windsor, & Windsor
 Locks; Middlesex County: Chester
 Cromwell, Deep River, East Haddam
 East Hampton, Haddam, Maroon
 (Atomic River Project), Middle-
 field, Middletown, & Portland;
 Tolland County: Andover, Bolton,
 Columbia, Coventry, Ellington,
 Hebron, Mansfield, Somers, Staf-
 ford, Storrs, Tolland, Union,
 Vernon, & Willington

Basic Hourly Rates	Fringe Benefits Payments			
	ILLW	Passive	Voc Rehab	Exp. Tr.
\$9.25	.80	.50		
8.75	.425	.60	.45	
9.25	.425	.60	.45	
9.20	.50	.51		.05
10.53	.50	.80		.06
10.44	.65	.65		.13

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
 E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

- 2 paid holidays: D, & Good Friday
- 7 paid holidays: A through F, & Good Friday. Employee must work 3 days during the work week in which the holiday falls, if scheduled, and if scheduled, the working day before and the working day after the holiday.
- 4 paid holidays: B, C, D, & Good Friday. Employee must be employed 16 consecutive days immediately prior to the holiday.
- 3 paid holidays: C, D, & E
- 4 paid holidays: B, C, D, & E
- 3 paid holidays: B, C, & D
- \$30.00 per man per week
- The last 4 regular working hours prior to Christmas Day shall be a paid half day.
- 6 paid holidays: A through F
- Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as vacation pay credit.
- 9 paid holidays: A through F, Washington's Birthday, Good Friday, & Columbus Day
- 9 paid holidays: A thru F, Washington's Birthday, Good Friday, & Columbus Day
- The last 4 hours on Christmas Eve is a paid half day if employee has worked 5 consecutive days prior to Christmas Eve
- 9 paid holidays: A through F, Washington's Birthday, Good Friday, & Christmas Eve provided the employee has worked 45 full days for the employer during the 120 days prior to the holiday and is available for work the day preceding and following the holiday.
- 9 paid holidays: A through F, Washington's Birthday, Good Friday, & a floating holiday per year provided the employee has been employed for a period of 5 working days prior to the holidays & works the scheduled work days immediately preceding & following the holidays
- 2 paid holidays: C, & D providing the employee works the day before and the day after the holiday
- 4 paid holidays: B, C, D, & E providing the employee works the day before and the day after the holiday
- 1 paid holiday: D
- 1 paid holiday: D, and the Friday after Thanksgiving is a paid half day, and December 24, provided it falls on a working day, is a paid half day.
- 3 1/2 paid holidays: C, D, E, and the half day Friday after Thanksgiving
- 1 paid holiday: D
- 5 paid holidays: A, D, E, & the last working day before Christmas, the last working day before New Year's Day
- 2 paid holidays: B, D & half day paid holiday the Friday after Thanksgiving and the last working day before Christmas, & Good Friday paid half day.

DECISION NO. C775-2114
POWER EQUIPMENT OPERATORS
(Building construction)

Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & W	Pension	Vacation	
\$10.20	.40	.80	a	.10
POWER EQUIPMENT OPERATORS: Derrick; Hoisting engineer 2 drums and over; Hoisting structural steel; Pile driver; & Setting stone Bragline; Fork lift - over 4' lift; Front end loader - 7 cy. or over; Grapple; Hoisting engineer (all types of equipment where a drum and cable are used to hoist, pull or drag material regardless of motive power or operation); Koehring-scooper loader and/or hoe; Master mechanic; Shovel; & Tower crane Maintenance engineer Central mix operator; Coleman loader and screening plant or similar equipment; Combination hoe and loader over 1/4 yd.; Conveyors - regardless of motive power; Front end loader - 3 cy. up to 7 cy.; High pressure porta- ble boiler; Joy drill - limited to joy heavy weight champion or equivalent; Mocking machine; Post hole digger; Pompey machine; Rock boring machine; Vibratory hammer; Welder; & Well digger Compressor battery operator Asphalt spreader Bulldozer; Carry-all operators; Grader; & Scraper pan Combination hoe and loader machine; Concrete mixer - 5 bags or over; Front end loader under 3 cy.; Powerstone spreader Air and steam valve Compressor; Generator; Pump and Well point; Welding machine				
10.10	.40	.80	a	.10
10.00	.40	.80	a	.10
9.75	.40	.80	a	.10
9.25	.40	.80	a	.10
9.00	.40	.80	a	.10
9.55	.40	.80	a	.10
9.50	.40	.80	a	.10
9.05	.40	.80	a	.10
8.95	.40	.80	a	.10

DECISION NO. C775-2114

LARGES
(Building, Heavy, & Highway
Construction)

Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & W	Pension	Vacation	
\$7.25	.50	.45		.05
7.50	.50	.45		.05
7.75	.50	.45		.05
7.25	.50	.45		.05
7.75	.50	.45		.05
7.00	.50	.45		.05
7.25	.50	.45		.05
7.50	.50	.45		.05
7.75	.50	.45		.05
LARGES (Building Construction); Laborers; Carpenters' tenders; & wrecking laborers; Jackhammer operators; Mason tenders; Mortar mixers; Pipe layers; Plasterers' tenders; & Power buggy Air truck operators; Sandblasters; & Wagon drill operators Open Air Caisson, Cylindrical Work and Boring Crew; Top man Bolton man LARGES (Heavy and Highway Construction); Laborers Acetylene burners; Asphalt rakers; Chain saw operators; Concrete & power buggy operators; Concrete saw operators; Fence & guard rail erectors; Form setters; Hand operated concrete vibrator opera- tor; Hand operated vibratory compactor operators; Mason tenders; Pipelayers; Pneumatic drill operators; Pneumatic Gas & Electric drill operators; Powder- man & wagon drill operators Air track operators; Block pavers; Curb setters Blasters				

DECISION NO. CT75-2114

POWER EQUIPMENT OPERATORS
(Heavy and Highway construction)

FOUR EQUIPMENT OPERATORS:

Class	Basic Monthly Rate	H & M	Fringe Benefits Payments	App. To
Class 1	\$10.22	.40	.80	.10
Class 2	10.09	.40	.80	.10
Class 3	9.79	.40	.80	.10
Class 4	9.61	.40	.80	.10
Class 5	9.46	.40	.80	.10
Class 6	9.31	.40	.80	.10
Class 7	9.13	.40	.80	.10
Class 8	8.93	.40	.80	.10
Class 9	8.82	.40	.80	.10
Class 10	8.62	.40	.80	.10
Class 11	8.26	.40	.80	.10
Class 12	8.21	.40	.80	.10
Class 13	8.70	.40	.80	.10

Crane with 150' boom - \$.25 extra
Crane with 200' boom - \$.50 extra

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; & F-Christmas Day

FOOTNOTE:

a. 7 paid holidays: A through F, and Good Friday

CLASSIFICATIONS:

Class 1: Erecting and handling structural steel; Front end loader (7 cy. or over)

Class 2: Pile driver; Power shovel and crane; Dragline; Grapple; Trenching machine; Lighter derrick; Paver (concrete); Derrick (stiff leg and guy); Steel pile sheeting; Spreading loader (shooper); Master mechanic

Class 3: Drill (Joy heavy weight champion or equivalent); Side boom; loader (Fuchs); Hoisting machine; Pumpcrete; Rock and earth boring machine; Post hole digger; Well digger; & Hammer (vibratory); Central mix; Combination hoe & loader (over 1/4 yd)

Class 4: Asphalt spreader

Class 5: Front end loader (3 yds. or over); Grader; Power stone spreader; Combination hoe and loader

Class 6: Asphalt roller; Bulldozer; Grapple; Maintenance engineer;

Class 7: Concrete mixer (5 bags and over); Welder

Front end loader (under 3 yds.); Roller; Power chipper; Fork lift; Finishing machine; Asphalt plant; Power pavement breaker; Dinky machine

Class 8: Compressor; Pump

Class 9: Fireman (high pressure)

Class 10: Well point system

Class 11: Compressor battery

Class 12: Oiler

Class 13: Patch plane; Bulk cement plant

DECISION NO. CT75-2114

POWER EQUIPMENT OPERATORS
(Building construction)

FOUR EQUIPMENT OPERATORS (Cont'd):

Fork lift not over 4'; & Steam

Jenny

Mechanical hoist

Roller

Binky machine; Power pavement

breaker

Fireman (high pressure)

Oiler

Crane with boom, excluding jib,

over 150' - \$.25 extra

Crane with boom, excluding jib,

over 200' - \$.50 extra

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; & F-Christmas Day

FOOTNOTE:

a. 7 paid holidays: A through F,
and Good Friday

DECISION NO. C775-2114

TRUCK DRIVERS

(Building, Heavy, and Highway
Construction)

TRUCK DRIVERS:

- Class 1
Class 2
Class 3
Class 4
Class 5
Class 6

Basic Hourly Rates	Fringe Benefits Payments			Ann. T.
	H & W	Vacation	Yacht	
\$6.99	a	b	c	
7.09	a	b	c	
7.19	a	b	c	
7.14	a	b	c	
7.24	a	b	c	
7.29	a	b	c	

CLASSIFICATIONS:

- Class 1: Two axle trucks; Helpers
Class 2: Three axle trucks; Two axle ready mix
Class 3: Four axle trucks; Heavy duty trailer-up to 40 tons
Class 4: Three axle ready-mix
Class 5: Four axle ready-mix; Specialized earth moving equipment other
than conventional type on-the-road trucks and semi-trailers
(including Euclids)
Class 6: Heavy duty trailer-40 tons and over

PAID HOLIDAYS:

- A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

- a. \$20.20 per week for employees employed over 16 hours and \$4.42 per
hour for employees employed less than 16 hours during the week.
b. \$20.00 per week for employees employed over 16 hours and \$4.375 per
hour for employees employed less than 16 hours during the week.
c. 7 paid holidays: A through F, and Good Friday provided the employee
has 31 calendar days' service and is available for work the day
preceding and following the holiday.

DECISION NO. 1075-5120

Basic Hourly Rates	H & W	Pensions	Vacation	App. T.
\$9.19	.50	.75		.02
6.65				
8.88	.45			
9.16	.50	.50		
7.40	.25			
6.31	.25	.10		
6.76	.25	.10		
7.26	.25	.25		.02
7.36	.25	.25		.02
7.46	.25	.25		.02

IRONWORKERS (Ornamental-Structural-Reinforcing) (Cont'd)

Remainder of Counties and Adams, Lemhi, Valley, Washington Counties South of the Weiser-Gibbonsville Line

PAINTERS:

Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, Washington and Idaho County (South of the 46th Parallel) Benewah, Bonner, Boundary, Clearwater, Idaho (North of the 46th Parallel), Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties

MASSLE SETTERS:

Clearwater, Idaho, Latah, Lewis, Nez Perce Counties Blaine, Camas, Cassia, Gooding, Jerome, Lincoln, Minidoka, Twin Falls Counties

PAINTERS:

Bannock, Bear Lake, Bingham, Blaine, Bonner, Butte, Camas, Caribou, Cassia, Clark, Custer, Franklin, Fremont, Gooding (except Bliss and Western 1/3 of County), Jefferson, Jerome, Lemhi, Lincoln, Madison, Minidoka, Owyhee, Power, Teton, Twin Falls Counties

Brush; Perforators

Structural Steel; Swing Stage; Spray

Ada, Adams, Boise, Canyon, Elmore, (except Mt. Home AFB), Gem, Gooding, (Western 1/3 of County including Bliss), Owyhee, Payette, Idaho (South of the 46th Parallel), Valley, Washington Counties

Brush, Paperhangers; Drywall

Tapers

Steel; Sign Painters

Barooka Operator

DECISION NO. 1075-5120

Basic Hourly Rates	H & W	Pensions	Vacation	App. T.
\$8.975	.445	.29	374a	.02
707JR	.445	.29	374a	.02
507JR				
8.05	.445	.29	374a	.02
707JR	.445	.29	374a	.02
507JR				
7.455	.31	.10	.545	
7.28	.31	.25	.284b	
6.14	.25	.30	.23	
9.15	.48	.80		.05

ELEVATOR CONSTRUCTORS:

Benewah, Bonner, Boundary, Clearwater, Idaho (North of 46th Parallel), Kootenai, Latah, Lewis, Nez Perce, Shoshone Cos. Elevator Constructors' Helpers Elevator Constructors' Helpers (Prob.)

Remainder of Counties and Idaho County (South of 46th Parallel) Elevator Constructors Elevator Constructors' Helpers Elevator Constructors' Helpers (Prob.)

GLAZIERS:

Bonner, Boundary, Kootenai, Shoshone Counties

Benewah, Clearwater, Idaho (North of 46th Parallel), Latah, Lewis, Nez Perce Counties

Ada, Adams, Boise, Canyon, Elmore, (except Mt. Home AFB), Gem, Gooding, (Western part of County from a line running north and south through the eastern limits of Bliss), Idaho

(Southern part of County from a line running east and west through the North limits of Elk City), Owyhee, Payette, Valley, Washington Counties

IRONWORKERS (Ornamental-Structural-Reinforcing)

Adams, (North of the Weiser-Gibbonsville Line), Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lemhi (North of the Weiser-Gibbonsville Line), Lewis, Nez Perce, Shoshone, Valley, (North of the Weiser-Gibbonsville Line), Washington (North of the Weiser-Gibbonsville Line) Counties

DECISION NO. ID75-5120	PAINTERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
			M & V	Pensions	Vacation	
	Spray; Sandblasting; Toxic and Chemical Material	\$7.73	.25	.25		.02
	Elmore (Mt. Home AFB)	8.26	.25	.25		.02
	Brush; Paperhangers; Drywall Tapers	8.36	.25	.25		.02
	Structural Steel; Sign Painters					
	Spray Gun; Sandblasting; Pot Tenders; Application of toxic material	8.73	.25	.25		.02
	Brazoka Operator	8.46	.25	.25		.01
	Benevoh, Bonner, Boundary, Clearwater, Idaho (North of the 46th Parallel), Kootenai, Latah, Lewis, Nez Perce, Shoshone Cos.					
	Brush	8.46	.31	.60		.02
	Spray; Steel; Steam Cleaning; Rollers (over 9" or 10" handle); Finish Drywall Taper	8.71	.31	.60		.02
	Swing Stage and over 30 ft. high	8.81	.31	.60		.02
	Blumastic; Sand Blast; Bridges; Towers; Stacks; Steeples; Tanks on legs	8.86	.31	.60		.02
	Electric, TV and Radio Transmission Towers	9.21	.31	.60		.02
	PLASTERERS:					
	Benevoh, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce and Shoshone Counties	8.88	.45	.20		
	Remaining Counties	7.50	.32	.20		
	PLUMBERS:					
	Benevoh, Bonner, Boundary, Clearwater, Idaho (North of the 46th Parallel), Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties	9.60	.33	.85	.60	.10
	Remaining Counties and Idaho County (South of the 46th Parallel)	9.19	.37	.50		.10
	Plumbers	702.28	.37	.50		.10
	Utility Helpers					

DECISION NO. ID75-5120	ROOFERS:	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
			M & V	Pensions	Vacation	
	Blaine, Camas, Cassia, Gooding, Jerome, Lincoln, Minidoka, Twin Falls Counties	\$5.90		.10		
	Roofers and Kettlemen					
	Bannock, Bear Lake, Bingham, Bonneville, Butte, Caribou, Clark, Franklin, Fremont, Jefferson, Madison, Oseida, Power and Teton Counties	8.00		.20		
	Ada, Adams, Boise, Camas, Canyon, Custer, Elmore, Gem, Idaho (South of the 46th Parallel), Lemhi, Owyhee, Payette, Valley and Washington Counties	7.40	.33	.20		
	Roofers; Kettlemen					
	Roofers working with coal tar and pitch products	8.90	.33	.20		
	Benevoh, Bonner, Boundary, Kootenai, and Shoshone Counties	7.59	.40	.25		.01
	Roofers					
	Roofers working with pitch products	8.99	.40	.25		.01
	Clearwater, Idaho (North of the 46th Parallel), Latah, Lewis, Nez Perce, Counties					
	Roofers; Kettlemen; Water-proofers	8.25				
	SHEET METAL WORKERS:					
	Benevoh, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone Cos.	9.95	.37	.50		
	Bannock, Bear Lake, Bingham, Blaine, Bonneville, Butte, Caribou, Clark, Franklin, Fremont, Jefferson, Madison, Oseida, Power, Teton Counties					
	Remaining Counties	8.63	.37	.20+3%		.06
	SOFT FLOOR LAYERS:	9.46	.52	.30		.14
	Bannock, Bear Lake, Bingham, (South from a line running east and west thru northern limits of Blackfoot including AEC Test Site), Blaine, Butte (South from a line running east and west thru northern limits of the AEC Test Site), Bonneville (South from a line running east and west thru					

DECISION NO. ID75-5110

DECISION NO. ID75-5120

SOFT FLOOR LAYERS: (Cont'd)
 northern limits of Blackfoot),
 Camas, Caribou, Cassia, Clark,
 Franklin, Fremont, Gooding,
 Jefferson, (that portion con-
 taining ABC Test Site), Jerome,
 Lemhi, Lincoln, Madison,
 Minniedoka, Oneida, Power, Teton,
 Twin Falls Counties
 Beeseah, Bonner, Boundary,
 Clearwater, Idaho, Kootenai,
 Latah, Lewis, Nez Perce and
 Shoshone Counties
 Ada, Adams, Boise, Canyon,
 Elmore (except Mt. Home AFB),
 Gem, Gooding (Western 1/3 of
 County including Bliss),
 Owyhee, Payette, Idaho (South
 of the 46th Parallel), Valley
 and Washington Counties
SPRINKLER FITTERS
TERSAA220 WORKERS and TILE SETTERS:
 Ada, Adams, Boise, Canyon,
 Elmore, Gem, Owyhee, Payette,
 Valley, Washington Counties
 Bannock, Bear Lake, Blingham,
 (Southern half), Caribou,
 Franklin, Oneida, Power Counties
 Benewah, Bonner, Boundary,
 Kootenai, Shoshone Counties
 Blaine, Camas, Cassia, Gooding,
 Jerome, Lincoln, Minniedoka, and
 Twin Falls Counties
TERSAA220 WORKERS' and TILE SETTERS'
HELPERS:
 Benewah, Bonner, Boundary,
 Clearwater, Idaho, Kootenai,
 Latah, Lewis, Nez Perce, Shoshone
 Counties
 Terrazzo and Tile Setters'
 Helpers
 Finisher Helper

WELDERS: Receive rate prescribed
 for craft performing operation to
 which welding is incidental.

Basic Hourly Rates	Fixed Benefit Payments			App. To
	M & W	Pensions	Vacation	
\$8.70				
7.89	.25	.40	.31	
6.00				
10.30	.25	.10		.10
	.50	.80		.08
7.75	.40	.30		
7.95	.30	.50		
8.75				
7.40	.25			
6.10				
6.55				

PAID HOLIDAYS:
 A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
 E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

- a. Employer credits 4% basic hourly rate of employee with over 5 years' service, 2% basic hourly rate for 6 months to 5 years' service to Vacation Plan. Six Paid Holidays: A through F.
 b. All employees who have been employed for a period of one year shall have two weeks vacation with pay. Also 7 paid holidays: A through F plus Washington's Birthday.

DECISION NO. ID75-5120

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LINE CONSTRUCTION (AREA 1)
(Benewah, Bonner, Boundary,
Clearwater, Kootenai, Idaho,
Latah, Lewis, Nez Perce and
Shoshone Counties)

Cable Splicers; Leadman Pole
Sprayer;
Linemen; Pole Sprayer; Heavy Line
Equipment Man; Certified Lineman
Welder
Tree Trimmer
Line Equipment Man
Head Groundman (chipper); Head
Groundman; Fowderman; Jackhammer
Man
Groundman; Tree Trimmer Helper

LINE CONSTRUCTION (AREA 2)
(Remaining Counties)

All work over 34.5 KV and all work
on steel towers and/or multiple
wood structures and all web-
stations of 1,000 KVA or greater
capacity, all communications,
underground work, 34.5 KV, street
and highway lighting and motor
traffic controls:

Groundman
Equipment Operators
Lineman
Cable Splicer

All power construction of 34.5 KV
and under when performed for an
operating utility. Street
lighting when performed for an
operating utility or municipality

Groundman
Equipment Operator
Lineman

Basic Hourly Rates	Fringe Benefits Payments				App. To
	H & W	Pensions	Vacation	Unavail.	
\$11.12	.35	1%	.10		1/2%
10.04	.35	1%	.10		1/2%
9.06	.35	1%	.10		1/2%
8.45	.35	1%	.10		1/2%
7.56	.35	1%	.10		1/2%
7.12	.35	1%	.10		1/2%
6.40	.35	1%			3/4%
7.74	.35	1%			3/4%
8.50	.35	1%			3/4%
9.35	.35	1%			3/4%
6.16	.35	1%			3/4%
7.22	.35	1%			3/4%
8.02	.35	1%			3/4%

LABORERS (AREA 1)

(Benewah, Bonner, Boundary,
Clearwater, Kootenai, Latah,
Lewis, Nez Perce, Shoshone and
that portion of Idaho County
North of the 46th Parallel)

Group 1
Group 2
Group 3
Group 4
Group 5
Group 6
Group 7
Group 8
Group 9:
Class A
Class B
Class C
Class D

LABORERS (AREA 2)

(Remaining Counties and that
portion of Idaho County South of
the 46th Parallel)

Group 1
Group 2
Group 3
Group 4
Group 5
Group 6
Group 7

UNDERGROUND WORK

Group 8
Group 9
Group 10

Basic Hourly Rates	Fringe Benefits Payments				App. To
	H & W	Pensions	Vacation	Unavail.	
\$ 6.85	.45	.65			.02
7.00	.45	.65			.02
7.10	.45	.65			.02
7.15	.45	.65			.02
7.20	.45	.65			.02
7.25	.45	.65			.02
7.30	.45	.65			.02
7.50	.45	.65			.02
6.90	.45	.65			.02
6.95	.45	.65			.02
7.35	.45	.65			.02
7.40	.45	.65			.02
5.97	.45	.45	.20		.10
6.07	.45	.45	.20		.10
6.17	.45	.45	.20		.10
6.27	.45	.45	.20		.10
6.32	.45	.45	.20		.10
6.57	.45	.45	.20		.10
6.82	.45	.45	.20		.10
6.12	.45	.45	.20		.10
6.27	.45	.45	.20		.10
6.57	.45	.45	.20		.10

DECISION NO. 1075-5120

TRUCK DRIVERS - (AREA 1)
(Gonzalez, Bonner, Boundary,
Clearwater, Kootenai, Latah,
Lewis, Nez Perce, Shoshone and
that portion of Idaho County
North of the 46th Parallel)

Basic Hourly Rates	Fringe Benefits Payments			App. To
	M & W	Pensions	Vacation	
\$ 7.60	.82	.65		
7.65	.82	.65		
7.70	.82	.65		
7.80	.82	.65		
8.00	.82	.65		
8.05	.82	.65		
8.10	.82	.65		
8.15	.82	.65		
8.25	.82	.65		
8.30	.82	.65		
8.60	.82	.65		
8.75	.82	.65		
8.90	.82	.65		
9.05	.82	.65		

TRUCK DRIVERS - (AREA 2)
(Remaining Counties and that
portion of Idaho County South of
the 46th Parallel)

Basic Hourly Rates	Fringe Benefits Payments			App. To
	M & W	Pensions	Vacation	
6.80	.55	.55	.15	.10
6.86	.55	.55	.15	.10
6.92	.55	.55	.15	.10
6.98	.55	.55	.15	.10
7.03	.55	.55	.15	.10
7.24	.55	.55	.15	.10
7.30	.55	.55	.15	.10
7.36	.55	.55	.15	.10
7.47	.55	.55	.15	.10
7.53	.55	.55	.15	.10
7.59	.55	.55	.15	.10
7.65	.55	.55	.15	.10
7.13	.55	.55	.15	.10
7.24	.55	.55	.15	.10
7.47	.55	.55	.15	.10
7.65	.55	.55	.15	.10
7.76	.55	.55	.15	.10
7.88	.55	.55	.15	.10
8.21	.55	.55	.15	.10
8.44	.55	.55	.15	.10
8.67	.55	.55	.15	.10
8.09	.55	.55	.15	.10

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POWER EQUIPMENT OPERATORS - (AREA 1)

Basic Hourly Rates	Fringe Benefits Payments			App. To
	M & W	Pensions	Vacation	
\$7.30	.65	.75	.03	
7.60	.65	.75	.03	
8.35	.65	.75	.03	
8.50	.65	.75	.03	
8.65	.65	.75	.03	
8.90	.65	.75	.03	
9.15	.65	.75	.03	

ZONE 1: Within a 15 mile radius from the City center of the following Cities:
Coeur d'Alene and Lewiston, Idaho; and Spokane, Washington.
ZONE 2: From a 15 to 45 mile radius from the center of the above named Cities.
ZONE 3: Over a 45 mile radius from the center of the above named Cities.

POWER EQUIPMENT OPERATORS - (AREA 2)

(Remaining Counties and that
portion of Idaho County South of
the 46th Parallel)

Basic Hourly Rates	Fringe Benefits Payments			App. To
	M & W	Pensions	Vacation	
\$7.05	.50	.55	.10	
7.21	.50	.55	.10	
7.53	.50	.55	.10	
7.84	.50	.55	.10	
8.01	.50	.55	.10	
8.19	.50	.55	.10	
8.60	.50	.55	.10	
8.83	.50	.55	.10	
9.06	.50	.55	.10	
9.30	.50	.55	.10	

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LABORERS (AREA 1) (Cont'd)

Beneish, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel

Group 7: Brush Machine (to include Horizontal Construction Joint Clean-up Brush Machine, power propelled); Drills (to include Down-the-hole Drills with 3/4 inch piston or larger and Out-of-the-hole Drills with 4 1/2 inch piston or larger); Gunnite (to include operation of machine and nozzle); Mud Carrier; Monitor Operator; Air Track or similar mounting; Nozzlemen (to include Jet Blasting Nozzlemen over 1,200 pounds, Jet Blast Machine, power propelled, Sand Blast Nozzle); Vibrator, 4 inches and over

Group 8: Air Track Drills with Dual Wasts and Drills; Powderman

TUNNEL AND SHAFT, FREE AIR

- Group 9:
- Class A: Bull Gang, Pump Crete Crewman including distributing pipe, assembling and dismantle and nipper
 - Class B: Brakeman, Dumpman
 - Class C: Miner and Nozzlemen for concrete and Laser Beam Operator on tunnels
 - Class D: Raise and Shaft Miner and Laser Beam Operator on raises and shafts

LABORERS (AREA 2)

Remaining Counties and that portion of Idaho County South of the 46th Parallel

Group 1: General Laborers Slinger, Clearing and Grading; Form Stripper; Concrete Crew; Concrete Curing; Crew; Carpenter Tender; Asphalt Laborer; Hopper Tender; Flagman, (including Pilot Car); Watchman; Heater Tender; Stake Jumper, Choker Setter; Spreader and Weighman; Power Wheelbarrow; Scouring Concrete; Rip Rap Man (hand placed); Fence Erector and installer - manual or mechanical (includes the installation and erection of fences, guard rails, median rails, reference posts, guide posts and right-of-way markers); Crusher Helper; Cribbing and Shoring (in open ditches); Machinery and Parts Cleaner; Leverman - manual or mechanical; Demolition - salvage; Landscaper; Tool Room Man; Janitor

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LABORERS (AREA 1)

Beneish, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel

Group 1: Brush Hog Feeder; Carpenter Tender; Concrete Crewman (to include stripping of forms, hand operating jacks on slip form construction, application of concrete curing compounds, pumpcrete machine, handling the nozzle of squeegee or similar machine - 5" and smaller); Concrete Signalman; Crusher Feeder; Demolition (to include clean-up, burning, loading, wrecking and salvage of all material); Driller Helper; Dumpman; Fence Erector (to include guard rails, guide and reference posts, sign posts, and right-of-way markers); General Laborer; Grout Machine Header Tender; Nipper; Rip Rap Man; Scaleman; Stake Jumper; Structural Mover (to include separating foundation preparation, cribbing, shoring, jacking and unloading of structure); Tailhoseman (water nozzle); Track Laborer (RR); Truck Loader; Timber, Buckler and Faller (by hand); Window Cleaner (prior to completion of construction)

Group 2: Cement Finisher Tender; Cement Handler; Demolition Torch; Dope Pot Fireman, non-mechanical; Form Cleaning Machine - Feeder, Stacker; Form Setter, paving; Driller Helper (when required to move and position machine); Nozzlemen, water and air or steam; Pipe Layer, corrugated metal culvert; Pipewrapper; Pot Tender; Powderman Helper; Power Tool Operator, gas, electric, pneumatic; Sandblast Tailhoseman; Scaffold Erector, wood or steel; Railroad Equipment, power driven, except dual mobile power spiker or roller; Roller and Spreader; Wheelbarrow, power driven; Well-point Man; Vibrator up to 4"

Group 3: Asphalt Baker; Asphalt Roller, walking; Chain Saw Operator with attachments; Concrete Saw walking; Grade Checker, using level; Jackhammer Operator; Multi-section Pipe Layer; Nozzlemen (to include squeeze and flowcrete nozzle); Pavement Breaker; Power Buggy Operator; Railroad Power Spiker or Faller, dual mobile; Tamper (to include operation of Barco, Essex and similar tamper and pavement breakers); Trencher, Shawnee; Water Pipe Liner; Wagon Drills

Group 4: Chain Saw (faller); Laser Beam Operator; Pipe Layer (Caulker, Collarman, Joiner, Mortarman, Rigger, Jacker, Shearer and Logger but not including laying corrugated metal culvert pipe)

Group 5: Concrete Stack; Mortar Mixer

Group 6: Caisson Worker, free air; High Scaler

POWER EQUIPMENT OPERATORS (AREA 1) (Cont'd)

Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel

Group 2: A-Frame Truck (single-drum); Assistant Refrigeration Plant (under 1,000 tons); Assistant Plant Operator, Fireman or pugmiser (asphalt); Bagley or Stationary Scraper; Batch Plant and Wet Mix Operator, single unit (concrete); Belt Finishing Machine; Bending Machine (pipeline); Blower Operator (cement); Cement Hog; Compressor (2,000 cu. ft. or over, 2 or more - gas, diesel or electric power); Concrete Saw (multiple cut); Distributor Leverman; Elevator Hoisting materials; Dope Pots (power agitated); Fork Lift or Lumber Stacker, Hydraulic and similar; Gin Trucks (pipeline); Hoist, single drum; Loader (Bucket Elevators and Conveyors); Longitudinal Float; Mixer (portable-concrete); Pavement Breaker (Hydra-hammer and similar); Post Hole Auger or Punch; Power Broom; Railroad Ballast Regulation Operator (self-propelled); Railroad Power Tamping Operator (self-propelled); Railroad Power Tamping Jack Operator (self-propelled); Spray Curing Machine (concrete); Spreader Box (self-propelled); Straddle Buggy (Boas and similar on construction job site); Tractor (farm type R/T with attachments except Backhoe); Tugger Operator; Ditch Witch or similar

Group 3: A-Frame Truck (2 or more drums); Assistant Refrigeration Plant and Chiller Operator (over 1,000 tons); Backfillers (Cleveland and similar); Belt-crete Conveyors with Power Pack or similar; Belt Loader (Kocal or similar); Blade operator (motor patrol and attachments); Boat Operators; Boom Cuts (side); Boring Machine (earth); Boring Machine (rock under 8" bit); Quarry Master, Joy or similar; Bump Cutter (Wayne, Saginaw or similar); Canal Lining Machine (concrete); Chipper (without crane); Cleaning and Doping Machine (pipeline); Concrete Pumps (squeeze-crete, flow-crete, pumpcrete, Whitman and similar); Drills (Churn, Core, Calyx, or Diamond); Elevating Belt-type Loader (Euclid, Barber Greene or similar); Elevating Grader-type Loader (Dunlop, Adams or similar); Equipment Serviceman, Greaser and Oilier; Generator Plant Engineers (diesel, electric); Gomite Combination Mixer and Compressor; Hoist (2 or more drums or tower hoist); Loaders (overhead and front-end under 4 yards, 2/7); Locomotive Engineer; Mixer-mobile; Mucking Machines; Power or Curb Extruder (asphalt and concrete); Pump (Groot or Jet); Rollerman (finishing pavement); Rubber-tired Scraper (one motor with one scraper, under 40 yards); Spread Operator; Soil Stabilizer (P & H or similar); Spreader Machine; Tractor (crawler including Dozer, Scraper, Drills, Booms, Rollers, etc.); Traverse Finishing Machine; Trenching Machines (under 7 feet depth capacity); Turnhead Operator; Vacuum Drill (reverse circulation drill, under 8")

LABORERS (AREA 2) (Cont'd)

Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County South of the 46th Parallel

Group 2: Chock Tender; Driller Helper; Air Tamper; Gomite Nozzlemen Tender; Pipewrapper Tar Pot Tender; Concrete Sawyer; Signalman, handling cement; Steam Nozzlemen; Air and Water Nozzlemen (Green Cutter, concrete); Vibrator (less than 4"); Pumpcrete and Groot Pump Crew; Hydraulic Monitor

Group 3: Pipelayer, including sewer, drainage, sprinkler systems and water lines; Free Air Caisson; Jackhammer; Paving Breaker; Powderman Helper; Asphalt Baker, Gasoline Powered Tamper; Electric Ballast Tamper; Sand Blasting Form Setter - airport paving; Gooman (gonite); Mambole Setter; Hand Guided Machines, such as Boto Tillers, Trenchers, Post Hole Diggers, Walking Garden Tractors, etc.; Form Setter (highway curb and gutter); Vibrator (4" and over); Timber Faller and Buckers; Metal Pan Installer

Group 4: Rod Carrier; Mason Tender; Plaster Tender; Mason Tender (concrete); Terrazzo-Tile Tender

Group 5: Highballer; Magon Drill; Grade Checker; Gomite Nozzlemen; Diamond Drillers on Drills

Group 6: Drill with Manufacturers' rating 3" or over

Group 7: Powderman

UNDERGROUND WORK

Group 8: Reboundman; Chocktender; Wipper; Dugman; Vibrator (less than 4"); Brakeman; Wacker; Ball Gang

Group 9: Form Setter and Mover

Group 10: Miners; Machinemen; Timbermen; Steelmen; Drill Doctors; Spaders and Tuggers; Spilling and/or Caisson Workers; Vibrator (on 4")

POWER EQUIPMENT OPERATORS (AREA 1)

Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel

Group 1: Bit Grinders; Bolt Threading Machine; Compressors, under 2,000 cu. ft. per minute gas, diesel or electric power; Crusher Feeder (mechanical); Beckhand; Drillers' Helper; Fireman and Heater Tender; Grade Checker; Helper (mechanic or welder, H.D.); Oilier; Oilier and Cable Tender; Mucking Machine; Pumpman; Rollers, all type on subgrade (farm type, Case, John Deere and similar - or compacting or vibrator) except when pulled by dozer with operable blade; Steam Cleaner; Welding Machine

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POWER EQUIPMENT OPERATORS (AREA 2) (Cont'd)

Remaining Counties and that portion of Idaho County, South of the 46th Parallel

Group 2: Air Compressor; Assistant Refrigeration Plant Operator; Bell Boy; Bit Grinder Operator; Blower Operator (cement); Bolt Threading Machine Operator; Broom; Cement Hog; Concrete Mixer; Concrete Saw - Multiple Cut; Discing - Narrowing or Mulching (regardless of motive power); Distributor Levering; Drill Steel Threading Machine Operator; Fireman - all; Heavy Duty Hydraulic Helper or Welder Helper; Head Chainman; Hoist - single drum; Hydraulic Monitor Operator - skid mounted; Oilier (single piece of equipment); Pumper - box or skid mounted; Spray Curing Machine; Tractor - rubber tired farm type using attachments

Group 3: A-Frame Truck (Hydra Lift, Swedish Cranes, Ross Carrier, Hyster on construction jobs); Battery - Tunnel Locomotive; Belt Finishing Machine; Cable Tenders (underground); Chip Spreader Machine (self-propelled); Hoist 2 or more crums or Tower Hoist; Hydraulic - Fork Lift and similar (when hoisting); Oilers (underground); Power Loader (Bucket Elevator, Conveyors); Rodman; Road Roller (regardless of motive power)

Group 4: Boring Machine (earth of rock) Quarry Master - Joy - Tractor mounted; Drills; Churn - Core - Calyx or Diamond, Front End and Overhead Loaders and similar machines - (up to and including 4 yards) - (Rubber-tired); Grouth Pump; Hydra-hammer; Instrument Man; Locomotive Engineer; Longitudinal Float Machine, Mixermobile; Spreader Machine; Tractor - Rubber-tired - using Backhoes, Transverse Finishing Machine, Trenching Machines, Waggoner Compactor and similar, Asphalt Spreaders

Group 5: Concrete Plant Operator; Concrete Road Paver (dual); Elevating Grader Operator; Euclid Elevating Loader; Generator Plant Operator - Mechanic (diesel electric); Post Hole Auger or Punch Operator; Power Shovels and Draglines - under 1 yard; Pump-crete; Refrigeration Plant Operator; Road Roller (Finishing High Type Pavement); Skidder - rubber-tired; Subgrader; Multiple Station Beltline Operator (Teton Dam Project only); Service Oilier

Group 6: Asphalt Pavers - self-propelled; Asphalt Plant Operator; Blade Operator (motor patrol); Concrete Slip Form Paver; Cranes - up to and including 50 ton; Crusher Plant Operator; Derrick Operator; Drilling Equipment (Bit under 8 inches) (Robbins Reverse Circulation and similar); Front End and Overhead Loaders and similar Machines (over 4 yards to and including 7 yards); Koebering Scooper; Heavy Duty Mechanic or Welder; Mucking Machine (underground); Multi-Batch Concrete Plant Operator; Pile-driver Engineer; Power Shovels and Draglines (1 yard to and including 34 yards); Tower Crane Operator; Tractor - Crawler type - including all attachments; Refrigeration Plant Operator (over 1,000 tons); Trimmer Machine Operator; Tournapalis - Euclid and similar to and including 40 yards

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POWER EQUIPMENT OPERATORS (AREA 1) (Cont'd)

Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel

Group 4: Asphalt Plant Operator; Crusher, Grizzly and Screening Plant Operator; H. D. Mechanic; H. D. Welder; Refrigeration Plant Engineer (under 1,000 ton); Rubber-tired Scraper, Multi-engine power, with one scraper (Euclid, TS-24 and similar); Rubber-tired Scrapers, one motor with one scraper (40 yards and over); Surface Heater and Planer Machine; Turn-head (with re-screening)

Group 5: Automatic Subgrader (ditches and trimmers) (Autograde, ABC, R.A. Hansen and similar on grade wire); Backhoes (under 3 yards); Batch and Wet Mix Operator - multiple units (2 and including 4); Chipper (with crane); Clamshell Operator (under 3 yards); Concrete Slip Form Paver; Cranes all (under 65 tons); Derricks and Stifflegs (under 65 tons); Draglines (under 3 yards); Drilling Equipment (5' bit and over) (Robbins Reverse Circulation and similar); Loader Operator (Front End and Overhead 4 yards to 8 yards); Piledriving Engine; Paver (dual drum); Quad-track or similar equipment; Railroad Track Liner Operator (self-propelled); Rubber-tired Scrapers, multi-engine, power with one scraper (Euclid, TS-24 and similar); Push Pull or Help Mate in use; Rubber-tired scrapers, multiple engines with two scrapers; Shovels (under 3 yards); Refrigeration Plant Engineer (1,000 tons and over); Signalman (Whitelys, Highline Hammerheads or similar); Trenching Machines (7 feet depth and over); Multiple Doser units with single blade

Group 6: Backhoes (3 yards and over); Batch Plant (over 4 units); Cable-way Controller - Dispatcher; Cableway Operator; Clamshell Operator (3 yards and over); Cranes, all - 65 tons and over; Derricks and Stifflegs (65 tons and over); Draglines (3 yards and over); Elevating Belt (Holland type); Loader (360 degrees revolving Koebering Scooper or similar); Loaders (overhead and front-end over 8 or 12 yards); Rubber-tired Scrapers (multiple engine with tree or more scrapers); Shovels (3 yards and over); Tower Crane; Whitelys and Hammerheads (all)

Group 7: Helicopter Pilot; Loaders (overhead and front-end - over 12 yards)

POWER EQUIPMENT OPERATORS (AREA 2)

Remaining Counties and that portion of Idaho County, South of the 46th Parallel

Group 1: Brakemen; Crusher; Plant Feeder (mechanical); Deckhand; Drill Helpers; Grade Checkers; Heater Tender; Land Plane; Oilers; Pumpman; Rear Chainman

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TRUCK DRIVERS (AREA 1) (Cont'd)

Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel

Group 4: Auto Crane - 2,000 pounds capacity; Bulk Cement Spreader; Dumper (6 yards and under); Flare Spreader, Box Driver; Flat Bed Truck (using power take off); Fork Lift (over 3,000 pounds); Oil Distributor Driver (road, bootperson, leverperson helper); Submerged Tunnel Jumbo; Scissor Truck; Slurry Truck Driver; Transit Mixers and Trucks hauling concrete (over 3 yards to 6 yards); Water Tank Truck (4,001 - 8,000 gallons); Wrecker and tow trucks

Group 5: Low Boy (under 50 tons); Service Greaser Tireperson No. 2; Truck, side, end, and bottom dump (over 6 yards to 12 yards)

Group 6: A-Frame (Swedish Crane, Iowa 3,000, Hydrolift); Water Tank Truck (over 6,001 - 8,000 gallons)

Group 7: Dumper (over 6 yards); Transit Mixers and Trucks hauling concrete (6 yards to 10 yards); Trucks, side, end, and bottom dump (over 12 yards including 20 yards)

Group 8: Low Boy (over 50 tons); Water tank truck (8,001 - 10,000 gallons)

Group 9: Transit Mixers and Trucks hauling concrete, (10 yards to 15 yards); Trucks, side, end and bottom dump (over 20 yards including 30 yards); Water Tank Trucks (10,001 - 12,000 gallons)

Group 10: Mechanic, field

Group 11: Tournarocker, P.W.'s and similar, with 2 or 4 wheel power tractor with trailer, gallonage or yardage scale, which is greater; Transit mixers and Trucks hauling concrete (15 yards to 20 yards); Trucks, side, end and bottom dump (over 30 yards to 40 yards); Water Tank Truck (12,001 - 14,000 gallons)

Group 12: Transit Mixers and Trucks hauling concrete (over 20 yards); Trucks, side, end and bottom dump (over 40 yards to 50 yards)

Group 13: Truck, side, end and bottom dumps, (over 50 yards to 100 yards)

Group 14: Helicopter Pilot hauling employees or material; Trucks, side, end, and bottom dump (over 100 yards)

TRUCK DRIVERS (AREA 2)

Remaining Counties and that portion of Idaho County South of the 46th Parallel

Group 1: Leverman loading at bunkers; Pilot Car or Escort Driver

Group 2: Flat Bed - 2 axle and pickup hauling material; Water Tank Truck (1,800 gallons and under); Fork Lift (3,000 and under)

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POWER EQUIPMENT OPERATORS (AREA 1) (Cont'd)

Remaining Counties and that portion of Idaho County South of the 46th Parallel

Group 7: Cableway Operator; Continuous Excavator (Barber Greene WL-50); Cranes - over 50 ton, Dredges; Drilling Equipment (Bit 8 inches and over); (Robbins Reverse Circulation and similar); Fine Grader - CMI or Equivalent; Front End and Overhead Loaders and similar Machines - (over 7 yards); Power Shovels and Draglines over 3 1/2 yards; Quad type Tractors with all attachments, Tournapulls - Ecclid and similar - over 40 yards to and including 50 yards; Multi-tyre Scraper Units

Group 8: Tournapulls - Ecclid and similar - over 50 yards to and including 75 yards

Group 9: Tournapulls - Ecclid and similar - over 75 yards to and including 100 yards

Group 10: Tournapulls - Ecclid and similar - over 100 yards

TRUCK DRIVERS (AREA 1)

Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel

Group 1: Flat Bed Truck, Single rear axle; Escort Driver; Flat Truck; Fork lift, 3,000 pounds and under; Fuel Truck Driver (steam cleaner and washer); (Dumper and Swapper; Leverperson loading trucks at bunkers; Pickup hauling material; Seeder and Mulcher; Stationary Fuel Operator; Team Driver; Tractor (small rubber tired pulling trailer or similar equipment); Water Tank Truck 1,800 gallons

Group 2: Bus Driver or Employeehaul Driver; Flat Bed Truck, dual rear axle; Power Boat hauling employees or material; Tireperson No. 1; Warehouseperson

Group 3: Buggy Mobile and similar; Bulk Cement Tanker; Oil Tank Driver; Power Operated Sweeper; Semi-trailer, Low Bed, Truck and Trailer; straddle Carrier (Boss, Hyatt and similar); Transit Mixers and Trucks hauling concrete (3 yards and under); Trucks, side, end, and bottom dump (under 6 yards); Water Tank Truck (1,801 - 4,000 gallons)

DECISION NO. ID75-5120

TRUCK DRIVERS (AREA 2) (Cont'd)

Remaining Counties and that portion of Idaho County South of the 46th Parallel

Group 3: Flat Bed - 3 axle, Fuel Truck (1,000 gallons and under); Greaser; Tiresman; Serviceman; Buggy; Man Haul (Shuttle Truck or Bus)

Group 4: Transit Mix Truck - 3 yards and under; Warehouseman; Truck Helpers; Slurry or concrete pumping truck

Group 5: Flat Bed using power takeoff; Water Tank Truck (over 1,800 - 4,000 gallons); Semi-trailer - Low Boy - up to 96,000 lbs. GVW, Bulk cement tanker - up to 69,000 lbs. GVW; Fork lift - over 3,000 lbs. (Ball lift, Hydro lift); Boss, Hyster and similar straddle equipment; "A" Frame truck (Swedish Crane, Iowa 3,000, Hydro-lift)

Group 6: Transit Mix Truck, over 3 yds. - 6 yds.

Group 7: Water Tank Truck - over 4,000 gallons; Fuel Truck - over 1,000 gallons; Distributor or Spreader Truck

Group 8: Transit Mix Truck - over 6 yds. - 8 yds.; Dumpsters; Field Tiresman; Serviceman

Group 9: Transit Mix Truck - over 8 yds. - 10 yds.; Snow Plow (Truck mounted)

Group 10: Low Boy - 96,000 lbs. GVW and over; Bulk Cement Tanker - 96,000 lbs. GVW and over

Group 11: Transit Mix Truck - over 10 yds.

Group 12: Turntable and similar equipment

Group 13: Truck - side, end and bottom dump
Class A: 6 yards and under
Class B: Over 6 yards - including 12 yards
Class C: Over 12 yards - including 20 yards
Class D: Over 20 yards - including 30 yards
Class E: Over 30 yards - including 40 yards
Class F: Over 40 yards - including 50 yards
Class G: Over 50 yards - including 75 yards
Class H: Over 75 yards - including 100 yards
Class I: Over 100 yards

Group 14: Truck Mechanic

SUPERSEDES DECISION

STATE: Oregon
 DECISION NUMBER: OR75-5122
 SUPERSEDES Decision No. AS-1015 dated August 16, 1975, in 39 FR 25702
 DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories

COUNTIES: Lane, Linn and Marion
 DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments			Adj. Tr.
		M & W	Pensions	Vacation	
BRICKLAYERS: Linn County	\$7.55	.45	.45		.03
CARPENTERS Linn County	7.29	.55	.40	.35	.03
DRYWALL INSTALLERS: Lane County	7.79	.55	.65	.35	.03
DRYWALL FINISHERS: Lane County	7.81	.40	.40	.50	.06
ELECTRICIANS Lane County	9.85	.45	1%		.04
LABORERS: Linn County	5.60	.45	.50	.25	.02
PAINTERS: Lane and Marion Counties	6.55	.50	.65	.35	.07
POWER EQUIPMENT OPERATORS: Linn County	7.05	.30	.20		.03
Asphalt Roller Blade, Finish Loader, 4 cu. yds., but less than 6 cu. yds.	6.96 7.34 7.66	.45 .45 .45	.60 .60 .60	.25 .25 .25	
PLUMBERS: Lane County (except City of Florence) Marion County	8.65 7.68	.41 .65	.75 .75		.03 .07
ROOFERS: Lane County Linn County Marion County	7.10 6.00 7.40	.30 .22 .27	.10 .15 .15		
SHEET METAL WORKERS: Linn County	6.94	.33	.24	.28	.02
SOFT FLOOR LAYERS: Lane and Marion Counties Linn County	8.335 7.15	.45 .40	.60 .45	.65	.06 .05

SUPERSEDES DECISION

STATE: Pennsylvania COUNTY: Northampton
 DECISION NO.: PA-75-3101 DATE OF PUBLICATION
 SUPERSEDES DECISION NO. PA-75-3015, dated February 16, 1975 in 40 FR 6974.
 DESCRIPTION OF WORK: Building Construction, (excluding single family homes
 and garden type apartments up to and including 4 stories).

DECISION NO. PA-75-3101

Basic Hourly Rates	Fringe Benefits Payments			App. To
	M & W	Pension	Vacation	
Asbestos workers	.42	.30	.12	3/8 of 1%
Boilermakers	.55	1.00	.12	3/8 of 1%
Bricklayers & Stonemasons	.40	.41	.12	3/8 of 1%
Carpenters	.38	.55	.12	3/8 of 1%
Cement masons	.40	.41	.42	
Electricians:				
Allen, Hancock, Lehigh, Bath,				
Fremontsburg, Ballertown and				
Bethlehem			.25	
Remainder of County			.25	
Classifiers	.35	.12		
Ironworkers, structural	.42	.12		
Ironworkers, ornamental	.79	.10		
Ironworkers, reinforcing	.79	.11		
Laborers, Building:				
Unskilled laborers	.25	.40		
Operator jackhammer, paving				
breaking and other pneumatic				
and mechanical tools, wagon				
drills, and men handling dynamite				
handling and using, cutting and				
burning torches in the wrecking				
of buildings, laying of all				
clay, terra cotta, ironstone,				
vitrified concrete or non-				
metallic pipe and the making of				
joints for same and cofferdams				
(below 10 feet)				
Plasterer and Mason Tenders,	6.85	.25	.40	
scaffold builders, and handling				
of all materials to be used				
by plasterers and masons, brick				
and blocks loaded on pallets,				
cement finishers tenders,				
gunmiting and molder-D, and				
and blasters helpers	6.90	.25	.40	
Barco Tamper Operator	7.10	.25	.40	
Lathers	8.71	.40	.25	.01
Lead burners	9.25	.35		.01
Line Construction:				
Linenen	\$11.08			
Cable splicer	11.08			
Groundman	6.65	.30	.12	3/8 of 1%
Winch truck operator	7.76	.30	.12	3/8 of 1%
Millwrights	9.68	.33	.42	
Painters (Bethlehem):				
Brush	7.80	.43	.40	
Structural Steel	8.55	.43	.40	
Spray	8.30	.43	.40	
Painters, Remainder of County				
Brush	8.05	.45	.40	
Structural Steel	8.80	.45	.40	
Spray	8.60	.45	.40	
Piledrivermen	10.17	1.58	.12	
Plasterers	9.20	.40	.41	
Plumbers	10.02	.57	.92	.08
Roofers, Composition, Slate &				
Tile	10.40	.35	.35	
Roofers, helpers	6.68	.35	.35	
Sheet metal workers	9.18	.52	.50	.01
Sprinkler fitters	10.25	.50	.80	.08
Steamfitters	10.02	.57	.92	.01
Terrazzo workers	8.79	.40	.41	
Truck Drivers:				
Class I				
Helper, Stake Body Truck				
(single axle), Dumpster	7.27			
Class II				
Dump Trucks, Tandem & Batch				
Trucks, Semi-Trailers,				
Agitator Mixer Trucks, Ready				
Mix and Dumpcrete Type Vehicles				
Asphalt Distributors, Farm				
Tractor when used for trans-				
portation, Stake Body Truck				
(Tandem)	7.36			
Class III				
Euclid Type, Off-Highway Equip-				
ment - Back or Belly Dump Trucks				
and Double Hitched Equipment,				
Straddle (Boss) Carrier, Low-				
Bed Trailers	7.83			

DECISION NO. PA-75-3101

Welder - receive rate prescribed for craft performing operation to which welding is incidental

Paid Holidays (Where Applicable):

A-New Year's Day; B-Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnote:

a. Paid Holidays: Washington's Birthday; Good Friday; Memorial Day;
Labor Day; Presidential Election Day; Veterans Day; Thanksgiving
Day and Christmas Day.

c. 8 paid holidays, A through F and Washington's Birthday, Good Friday
and Christmas Eve, provided the employee has worked 45 full days for
the employer during the 120 days prior to the holiday, and is available
for work the days preceding and following the holiday.

PA-22-PSO-1-B 1 of 2

Basic Monthly Rates	Fringe Benefits Payments			App. To
	W & W	Pension	Vacation	
\$10.95	4.6%	9.5%	a	1.2%
10.66	4.6%	9.5%	a	1.2%
9.78	4.6%	9.5%	a	1.2%
9.01	4.6%	9.5%	a	1.2%
8.53	4.6%	9.5%	a	1.2%
7.61	4.6%	9.5%	a	1.2%
11.20	4.6%	9.5%	a	1.2%
11.65	4.6%	9.5%	a	1.2%
11.70	4.6%	9.5%	a	1.2%

POWER EQUIPMENT OPERATORS

BUILDING CONSTRUCTION

GROUP 1
GROUP 2
GROUP 3
GROUP 4
GROUP 5
GROUP 6
GROUP 7
GROUP 7-A
GROUP 7-B

DECISION NO. PA-75-3101

2 of 2

GROUP 1: Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above

GROUP 2: All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoist with two towers, jacks 218 and over, all types overhead cranes, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3-1/2 c.y. and over, tandem scrapers, pipin type backhoes, boat Caplains, batch plant operators (concrete) drills, self-contained rotary drills, forklifts, 20 ft. lift and over machine to the above

GROUP 3: Concrete, building hoists (single drum) scrapers and tournagulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-1/2 cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above

GROUP 4: Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, tireman (for power equipment), machines similar to above

GROUP 5: Fireman, grease truck

GROUP 6: Oilers and deck hands (petroleum boats), core drill helper

GROUP 7: All machines with booms (including jib, masts, leads, etc.): 100 ft. and over

GROUP 7-A: 150 ft. and over

GROUP 7-B: 200 ft. and over

FOOTNOTES:

a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, provided the employee works the day before and after the holiday.

STATE: Pennsylvania

Counties: Lackawanna, Susquehanna, Wayne, Wyoming

DECISION NO.: Pa-75-3102
Supersedes Decision No. Pa-75-3056, dated June 13, 1975, in 40 FR 25601
DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments				App. To
		M & W	Pensions	Vacation		
AGENTS WORKERS	\$ 9.00	.50	.35		.01	
BOILERMAKERS	10.20	.65	1.00		.01	
BRICKLAYERS & STUCCO MASONS:						
Scranton, Wayne County	9.65	.60	.50		.01	
Carbondale	8.70	.40				
Susquehanna & Wyoming Counties	9.15	.35	.50		.05	
CARPENTERS	8.90	.43	.50			
CEMENT MASONS:						
Wyoming, Wayne, Susquehanna Counties	9.15	.40	.40			
Scranton	9.15	.40	.40			
Carbondale	8.70	.40				
ELECTRICIANS:						
Lackawanna, Susquehanna and Wayne Counties	9.15	.35	15¢ .50	.50	.10	
Wyoming County						
East of Susquehanna River	8.40	.35	15¢ .50	.50	.10	
West of Susquehanna River	9.15	.30	15¢ .35		.03	
ELEVATOR CONSTRUCTORS:						
Elevator Constructors	9.04	.445	.29	31¢ .44	.02	
Elevator Constructors Helpers	8.33	.445	.29	31¢ .44	.02	
Elevator Constructors Helpers (prob.)	4.52					
GLAZIERS	8.80	.35	.50			
IRONWORKERS:						
Lackawanna, Wayne & Wyoming County						
Structural & Ornamental	10.55	*			.10	
Beltmolding	10.45				.10	
Susquehanna County	9.55	.61	.57		.07	
LABORERS:						
Lackawanna, Wayne, Susquehanna & Wyoming County						
Both parts of Wyoming County:						
Unskilled and Window Cleaners	7.55	.48	.50			
4-41 skilled laborers: Jackhammer operators, (each man when two required for operation of jackhammer) vibrator and Suster Men, Wagon Drill and all men handling dynamite, Gas baggies 2" pumps and concrete mixers (up to 2 bags) and all pneumatic tools						
	7.70	.48	.50			

DECISION NO. PA-75-3102

LABELS: (cont'd)

	Basic Hourly Rates	M & W	Fringe Benefits Payments		App. To
			Pensions	Vacation	
Plaster tenders and Mason tenders and handling of all material to be used Masons & Scaffold Builders	\$ 7.95	.48	.50		
Non-metallic pipe layers and making of joints, clay, terra cotta, ironstone, vitrified concrete handling of burning torches, asphalt or other material	7.70	.48	.50		
Southern part of Wyoming County Unskilled	7.77	.25	.50		
Seal skilled laborers, Pneumatic and other mechanical tool op.; 2" pump or under, handling and mixing of all material used by masons from stock pile to mason, Non-metallic pipe layer and making of joints, clay, terra cotta, ironstone, vitrified concrete, handling of burning torches, asphalt or other hot material, cement finishers and blasters helpers	7.97	.25	.50		.01
Plasterers tenders, blaster, wagon drill ops.	8.09	.25	.50		.01
Mason tenders & scaffold builders	9.65	.25	.50		
LATHES	8.79	.10			
LEAD BURGERS	9.25	.35			
LINE CONSTRUCTION:					
Linsman, dynamite man	9.50	.20	15¢		3/8 off 11
Groundman truck driver	6.74	.20	15¢		3/8 off 11
Groundman	6.46	.20	15¢		3/8 off 11
MAPLE CUTTERS	9.00		.50		
MILLWRIGHTS:					
Lackawanna, Susquehanna & Wayne Counties	9.48	.43	.50		.05
Wyoming County	9.86	.30	.35		.03
PAINTERS:					
Lackawanna, Wayne, Susquehanna and Tunkhannock in Wyoming County					

DECISION NO. PA-75-3102

PAINTERS: Gov't d)

Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & V	Payroll	Vacation	
Brush	\$ 7.10	.85		
Spray	8.60	.85		
Steel	8.10	.85		
Cardinals in Lackawanna				
Brush	7.50			
Steel	7.95			
South Eastern part of Wyoming County				
Brush	5.60	.25		
Steel	6.81	.25		
PILEDRIVERS	10.17	1.58	d	.12
FLASTERS	8.55	.40		
PLUMBERS	9.99	.40	.75	.04
POWER EQUIPMENT OPERATORS				
GROUP 1	10.95	4.68	9.58	1.28
GROUP 2	10.66	4.68	9.58	1.28
GROUP 3	9.78	4.68	9.58	1.28
GROUP 4	9.61	4.68	9.58	1.28
GROUP 5	8.53	4.68	9.58	1.28
GROUP 6	7.61	4.68	9.58	1.28
GROUP 7	11.20	4.68	9.58	1.28
GROUP 7-A	11.45	4.68	9.58	1.28
GROUP 7-B	11.50	4.68	9.58	1.28

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITION

GROUP 1: Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters; machines similar to the above

GROUP 2: All types of cranes, all types of backhoes, cableways, dragline, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoist with two towers, pavers 212 and over, all types overhead cranes, building hoists (double drum), gradalls, sucking machines in tunnel, all front end loaders 34 c.y. and over, tandem scrapers, pipin type backhoes, boat Caplains, batch plant operators (concrete), drills, self-contained rotary drills, fork lifts, 20 ft. lift and over machine to the above

GROUP 3: Conveyors, building hoists (single drum) scrapers and touthapulls, spreaders, high or low pressure rollers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch with type trencher, all loaders under 34 c.y., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITION CONT'D

GROUP 4: Welding machines, well points, compressors, pumps, mixers, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreaders, tireman (for power equipment), machines similar to above

GROUP 5: Fireman, grease truck

GROUP 6: Oilers and deck hands (personnel boats), core drill helper

GROUP 7: All machines with booms (including jib, mast, leads, etc.); 100 ft. and over

GROUP 7-A: 200 ft. and over

FOOTNOTES:

a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, provided the employee works the day before and after the holiday.

	Basic Hourly Rates	Fringe Benefits Payments			App. To
		H & V	Payroll	Vacation	
POWERS:					
Composition & Kettelman	\$ 9.06	.42	.47		
Helpers	8.835	.42	.47		
SECT METAL WORKERS	9.55	.69	.60		.02
SECT FLOOR LAYERS:					
Lackawanna, Wayne Shingerman Counties	8.90	.43	.50		.05
Wyoming County	8.23	.30	.35		.03
SPRINKLER FITTERS	10.75	.50	.80		.08
PIPEFITTERS	10.00	.39	.75		.04
TRUCK DRIVERS:					
Class I	7.27				
Class II	7.34				
Class III	7.83				

TRUCK DRIVERS CLASSIFICATION DEFINITION

CLASS I: Helper, stake body truck (single axle), dumpster

CLASS II: Dump trucks, tandem & batch trucks, semi-trailers, agitator mixer trucks, ready mix and concrete type vehicles asphalt distributors, farm tractor when used for transportation, stake body truck (tandem)

CLASS III: Buell type, off-highway equipment - back or belly dump trucks and double-ended equipment, straddle (Bose) carrier, low-bed trailers

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christian Day.

FOOTNOTES:

- a. Employer contributes $\frac{1}{2}\%$ basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service for vacation pay credit.
- b. Paid Holidays: A through F.
- c. Paid holidays, A through F and Washington's Birthday, Good Friday, and Christmas Eve, provided the employee has worked 85 days for the employer during the 120 days prior to the holiday and is available for work the days preceding and following the holiday.
- d. Paid Holidays: Washington's Birthday: Good Friday: Memorial Day: Labor Day: Presidential Election Day: Veterans Day: Thanksgiving Day.
- e. Employer contributes 1.90 to a Combined Health & Welfare and Pension Fund.

SUPERSEDES DECISION

54-PA-1-P 2 of 2

54-PA-1-P

2 of 2

COUNTY: Schuylkill

DATE: Date of Publication

STATE: Pennsylvania

DECISION NO.: PA-75-3103

SUPERSEDES DECISION NO.: PA-75-3017 dated, February 21, 1975, in 40 FR 7854.

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories).

54-PA-1-P 1 of 2

BUILDING CONSTRUCTION

Basic Hourly Rates	Prize Schedule Payments			App. To
	J & M	Prize Rate	Val. Sys.	
Asbestos workers	\$8.51	.42	.30	.01
Boilermakers	10.20	.65	1.00	.01
Bricklayers & Stonemasons	8.55	.40	.85	.03
Carpenters	8.28	.30	.55	
Cement masons	8.55	.40	.65	
Electricians:				
North Mannheim, South Mannheim, West Brunswick, Wayne, Washington Dups., Pottsville, Schuylkill Haven:	9.44	.38	1%	.03
Electricians	9.00	.31	1%	1/2 of 1%
Fine Grove Dups.	9.80	.30	15-20	.05
Remainder of County	8.64	.35	.10	.01
Glaniers	9.50	.64	1.06	.02
Ironworkers				
Laborers:	6.00	.25	.25	
Unskilled Laborers & Window Cleaners				
Operator of Jackhammer, Paving breaking & other pneumatic, electric & mechanical tools, laying of all clay, terra cotta, ironstone, vitrified concrete or non-metallic pipe & the making of joints for same, wagon drill operators cofferdam (below 10'), tunnel free air handling & using cutting or burning torches in the wrecking of buildings, blasters, plasterer tenders, mason tenders, scaffold builders and removal & power buggies	6.10	.25	.25	.01
Lathers	7.25	.15		.01
Leadburners	9.25	.35		
Line construction:				
Linemens, heavy equipment operator	9.50	.20	1%	
Groundman, truck driver	6.74	.20	1%	
Groundman	6.49	.20	1%	
Marble setters & terrazzo workers	8.55	.40	.85	.03
Millwrights	9.86	.30	.35	
Painters:				
Commercial and Industrial				
Brush	5.10			
Steel	5.95			
Spray	5.85			
Piledrivers	10.17	1.58	1.10	.12
Plasterers	8.55	.40	.75	.06
Plumbers & Steamfitters	8.51	.35	.50	

BUILDING CONSTRUCTION

Roofers:
Harry Branch, Butler, Delano, East Brunswick, East Union, Elford, Foster, Frailly, Higgins, Hubley, Kline, New Castle, North Union, Porter, Rahn, Bailey, Rush, Fremont, Union, Upper Mahanango, West Penn:

Composition

Remainder of County:

Composition, damp waterproofing

slate, tile & asbestos

Precast slab

Sheet metal workers

Soft floor layers

Sprinkler fitters

Tile setters

Truck drivers

Welder - rate for craft.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F, plus Washington's Birthday, Good Friday, and Christmas Eve provided the employee has worked at least 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

b. Employer contributes \$58.17 per month to Health and Welfare fund.

c. Employer contributes \$43.34 per month to Pension Fund.

d. Paid Holiday: C

e. Paid Holidays: Washington's Birthday, Good Friday, Memorial Day, Labor Day, Presidential Election Day, Veterans Day and Thanksgiving Day.

FOUR EQUIPMENT OPERATORS

BUILDING CONSTRUCTION

GROUP 1
GROUP 2
GROUP 3
GROUP 4
GROUP 5
GROUP 6
GROUP 7
GROUP 7-A
GROUP 7-B

PA-22-190-1-B 1 of 2

Basic Hourly Rates	Fringe Benefits Payments			Apr. 70
	H & W	Pension	Vacation	
\$10.95	4.0%	9.5%	a	1.2%
10.46	4.0%	9.5%	a	1.2%
9.78	4.0%	9.5%	a	1.2%
9.01	4.0%	9.5%	a	1.2%
8.53	4.0%	9.5%	a	1.2%
7.61	4.0%	9.5%	a	1.2%
11.20	4.0%	9.5%	a	1.2%
11.45	4.0%	9.5%	a	1.2%
11.70	4.0%	9.5%	a	1.2%

GROUP 1: Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above

GROUP 2: All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoist with two towers, parers 2E and over, all types overhead cranes, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3-1/2 cu. yd. and over, tandem scrapers, pipelin type backhoes, boat captains, batch plant operators (concrete) drills, self-contained rotary drills, fork lifts, 20 ft. lift and over machine to the above

GROUP 3: Conveyors, building hoists (single drum) conveyors and turnspells, spreaders, high or low pressure boilers, concrete pump, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch which type trencher, all loaders under 3-1/2 cu. yd., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above

GROUP 4: Welding machines, well points, compressors, pumps, beaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, tireman (for power equipment), machines similar to above

GROUP 5: Fireman, grease truck

GROUP 6: Oilers and deck hands (personnel boats), core drill helper

GROUP 7: All machines with booms (including jib, masts, leads, etc.): 100 ft. and over

GROUP 7-A: 150 ft. and over

GROUP 7-B: 200 ft. and over

FOOTNOTES:

a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, provided the employee works the day before and after the holiday.

SUPERSEDES DECISION

STATE: Pennsylvania

DECISION NO.: PA-75-310A

Supersedes Decision No. PA-75-3019, dated February 26, 1975, in 40 FR 8753.
 DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories).

COUNTY: Lehigh

DATE: Date of Publication

February 26, 1975, in 40 FR 8753.

and garden type apartments up to and including 4 stories).

39-PA-1-1 B 1-2

	Basic Hourly Rates	Fringe Benefits Payments			
		M & W	Pensions	Vacation	App. Tn.
Asbestos workers	\$ 8.63	.42	.30		.01
Boilermakers	10.20	.65	1.00		.01
Bricklayers	9.50	.40	.90		.01
Carpenters	8.96	.30	.35		
Concrete masons	9.20	.40	.41		
Electricians	10.30	.35	.35		.01
Elevator constructors	9.41	.45	.59	36%+b	.02
Elevator constructors' helpers	6.63	.45	.59	36%+b	.02
Elevator constructors' helpers (prob.)	4.735				
Glaziers	8.24	.35	.20		.01
Ironworkers, structural	10.68	.79	1.11		
Ironworkers, ornamental	10.68	.79	1.11		
Ironworkers, reinforcing	10.68	.79	1.11		
Laborers, building					
Unskilled laborers	6.60	.25	.40		
Operator of jackhammer paving breaking and other pneumatic & mechanical tools, wagon drills, & men handling dynamite, handling & using, cutting & burning torches in the wrecking of buildings, laying of all clay, terra cotta, ironstone, vitrified concrete or non-metallic pipe & the making of joints for same & coffer-dams (below 10 feet)	6.85	.25	.40		
Plaster & mason tenders, scaffold builders, & handling of all materials to be used by plasterers & masons, brick & blocks loaded on pallets, cement finishers tenders, gunniting and molder-2, & sand blasters helpers					
Barke tamper operator	6.90	.25	.40		
Lathers	7.10	.25	.40		
Lead burners	9.21	.40	.40		.01
Line Constructors:	9.25	.35		c	.01
Linenen & cable splicers					
Groundmen	10.25	.25	.15		3/4 of 15
Winch truck operator	6.15	.25	.15		3/4 of 15
Marble setters	7.18	.25	.15		3/4 of 15
Marble setters helpers	8.19	.40	.90		
Millwrights	6.90	.60	.35		
	9.88	.38	.55		

BUILDING CONSTRUCTION

Asbestos workers
 Boilermakers
 Bricklayers
 Carpenters
 Concrete masons
 Electricians
 Elevator constructors
 Elevator constructors' helpers
 Elevator constructors' helpers (prob.)
 Glaziers
 Ironworkers, structural
 Ironworkers, ornamental
 Ironworkers, reinforcing
 Laborers, building
 Unskilled laborers
 Operator of jackhammer paving breaking and other pneumatic & mechanical tools, wagon drills, & men handling dynamite, handling & using, cutting & burning torches in the wrecking of buildings, laying of all clay, terra cotta, ironstone, vitrified concrete or non-metallic pipe & the making of joints for same & coffer-dams (below 10 feet)
 Plaster & mason tenders, scaffold builders, & handling of all materials to be used by plasterers & masons, brick & blocks loaded on pallets, cement finishers tenders, gunniting and molder-2, & sand blasters helpers
 Barke tamper operator
 Lathers
 Lead burners
 Line Constructors:
 Linemen & cable splicers
 Groundmen
 Winch truck operator
 Marble setters
 Marble setters helpers
 Millwrights

Plaster & mason tenders, scaffold builders, & handling of all materials to be used by plasterers & masons, brick & blocks loaded on pallets, cement finishers tenders, gunniting and molder-2, & sand blasters helpers

Barke tamper operator

Lathers

Lead burners

Line Constructors:

Linemen & cable splicers

Groundmen

Winch truck operator

Marble setters

Marble setters helpers

Millwrights

39-PA-1-1-B 2-2

DECISION NO. PA-75-310A T. 2

BUILDING CONSTRUCTION

Painters:

Brush

Structural steel

Paperhanger & Tapers

Spray

Plasterers

Plumbers

Roofers:

Albany, Maxatary and Windsor Compa-

sition, damp, waterproofing, slate &

tile

Remainder of County:

Composition & slate

Composition & slate helpers

Sheet metal workers

Sprinkler fitters

Piledrivermen

Steamfitters

Stone masons

Terrazzo workers

Tile setters

Welders - receive rate prescribed for

craft performing operation to which

welding is incidental.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day;

F-Christmas Day.

Footnotes:

a. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% of

basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Six paid holidays: A through F.

c. Eight paid holidays: A through F, Washington's Birthday, Good Friday, and Christmas Ev-

providing the employee has worked 45 full days for the same employer during the 120

calendar days prior to the holiday, & is available for work the days preceding &

following the holiday.

d. Paid Holiday: Election Day and Labor Day.

f. Paid Holidays: Good Friday; Memorial Day; Labor Day; Presidential Election Day;

Veterans' Day, Thanksgiving Day and Christmas Day.

POWER EQUIPMENT OPERATORS

BUILDING CONSTRUCTION

	Basic Monthly Rates	Fringe Benefits Payments			App. 1.
		N.S.W.	Penetration	Victorian	
GROUP 1	\$10.95	4.6%	9.5%	a	1.2%
GROUP 2	10.66	4.6%	9.5%	a	1.2%
GROUP 3	9.78	4.6%	9.5%	a	1.2%
GROUP 4	9.01	4.6%	9.5%	a	1.2%
GROUP 5	8.53	4.6%	9.5%	a	1.2%
GROUP 6	7.61	4.6%	9.5%	a	1.2%
GROUP 7	11.10	4.6%	9.5%	a	1.2%
GROUP 7-A	11.45	4.6%	9.5%	a	1.2%
GROUP 7-B	11.70	4.6%	9.5%	a	1.2%

GROUP 1: Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above

GROUP 2: All types of cranes, all types of backhoes, cableways, draglines, keytons, all types of shovels, derricks, trench shovels, trenching machines, hoist with two towers, jacks 2½ and over, all types overhead cranes, building hoists (double drum) gradalls, mucking machines in tunnel, all front and loaders 3-4 c.y. and over, tandem scrapers, pipin type backhoes, boat Caplains, batch plant operators (concrete) drills, self-contained rotary drills, fork lifts, 20 ft. lift and over machine to the above

GROUP 3: Conveyors, building hoists (single drum) scrapers and turnpulleys, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant operators, roller (high grade finishing), ditch witch type trencher, all loaders under 3-4 cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above

GROUP 4: Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power brooms, seeding spreader, fireman (for power equipment), machines similar to above

GROUP 5: Fireman, grouse track

GROUP 6: Oilers and deck hands (personal boats), core drill helper

GROUP 7: All machines with booms (including jib, masts, leads, etc.): 100 ft. and over

GROUP 7-A: 150 ft. and over

GROUP 7-B: 200 ft. and over

FOOTNOTES:

a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, provided the employee works the day before and after the holiday.

SUPERSEDES DECISION

STATE: South Dakota
 COUNTY: Minnehaha
 DECISION NUMBER: SDJ3-5121
 DATE: Date of Publication
 Supersedes Decision No. SDJ5-5114 dated September 19, 1975, in 40 FR 43463
 DESCRIPTION OF WORK: Building Construction (excluding single family homes
 and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
		M & H	Pensions	Vacation		
ASBESTOS WORKERS	\$8.53	.35	.40			.02
BOILERMAKERS	8.35	.60	7.00			
BRICKLAYERS: Stonemasons	8.55	.25	.30			
CARPENTERS:						
Carpenters, Filledrivermen	7.51		.20			.05
Millwrights	8.47		.20			.05
CEMENT MASONS	8.40					
ELECTRICIANS:						
0 miles through 30 miles from						
Sioux Falls Post Office	8.17	.30	11	61		111
Electricians	8.59	.30	11	61		111
Cable Splicers						
Over 30 miles from Sioux Falls						
Post Office	8.77	.30	11	61		111
Electricians	9.59	.30	11	61		111
Cable Splicers	5.79					
GLAZIERS						
LABORERS:						
Laborers	4.35					
Mortar Mixers, Paving Breakers,						
Jack Hammer Operator	4.45					
Nozzlemen (gunite, sandblast						
and shotcrete)	4.60					
LATERS	6.83					.01
PAINTERS:						
Brush	6.07					
Spray	6.57					
Tapers	6.32					
PLASTERERS	7.53					.01
PLUMBERS: Steamfitters	8.365	.32	.15	.17		.03
SHEET METAL WORKERS	7.92		.15	.35		
SPRINKLER FITTERS	8.75	.50	.80			.08
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.						

[FR Doc.75-28204 Filed 10-2-75;8:45 am]

INDEX TO GENERAL WAGE DETERMINATION DECISIONS AND MODIFICATIONS AS OF SEPTEMBER 5, 1975

There is set forth below an index to general wage determination decisions and modifications as published in the FEDERAL REGISTER pursuant to the Davis-Bacon and related Acts. The index lists

general wage determination decisions and modifications by State and County. An updated index is published on the first Friday of each month.

The index is published for the convenience of the public and the Department of Labor will endeavor to keep it accurate and up to date. In the event the data in the index and published general deci-

sions do not coincide, the published general decisions shall control.

ABREVIATIONS

(B)—Building Construction
(D)—Dredging
(F)—Flood Control Construction
(H)—Heavy Construction
(Hw)—Highway Construction
(R)—Residential Construction
Mod.—Modification

(HE)—Heavy Engineering
(LE)—Light Engineering
(U)—Utility
(W&S)—Water and Sewer

Signed at Washington, D.C., this 26th day of September 1975.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

ALABAMA

STATEWIDE
Decision #A0-4013 (D)
39 FR 27397 - 7/26/74
Decision #A0-4008 (Hw) (Excluding Airport Construction)
39 FR 10065 - 3/15/74
Mod. #1 - 40 FR 2373 - 1/10/75

AUTAUGA COUNTY
(D, Hw) - See Statewide
BALDWIN COUNTY
Decision #AL75-1043 (R)
40 FR 15286 - 4/4/75
Mod. #1 - 40 FR 2349 - 7/11/75

BALDWIN COUNTY
(Hw) - See Statewide
BARBOUR COUNTY
(D, Hw) - See Statewide
BIBB COUNTY
(D, Hw) - See Statewide
BLOUNT COUNTY
(D, Hw) - See Statewide

Decision #AL75-1047 (R)
40 FR 17474 - 4/18/75
(D, Hw) - See Statewide
BULLOCK COUNTY
(D, Hw) - See Statewide
BUTLER COUNTY
(D, Hw) - See Statewide

CALHOUN COUNTY
(D, Hw) - See Statewide
CHAMBERS COUNTY
(D, Hw) - See Statewide
CHEROKEE COUNTY
(D, Hw) - See Statewide

CHILTON COUNTY
(D, Hw) - See Statewide
CHOCTAW COUNTY
(D, Hw) - See Statewide
CLARKE COUNTY
(D, Hw) - See Statewide

ALABAMA (Cont'd.)

CLAY COUNTY
(D, Hw) - See Statewide
CLEBURNE COUNTY
(D, Hw) - See Statewide
COFFEE COUNTY
(D, Hw) - See Statewide
COLBERT COUNTY
(D, Hw) - See Statewide

Decision #AL75-1046 (R)
40 FR 17451 - 4/18/75
Decision #AL75-1067 (B)
40 FR 24462 - 6/6/75
Mod. #1 - 40 FR 2349 - 7/11/75

(D, Hw) - See Statewide
CONECUH COUNTY
(D, Hw) - See Statewide
(R) - See Baldwin County
COOSA COUNTY
(D, Hw) - See Statewide

COWART COUNTY
(D, Hw) - See Statewide
CRENSHAW COUNTY
(D, Hw) - See Statewide
CULLMAN COUNTY
(D, Hw) - See Statewide

DALE COUNTY
(D, Hw) - See Statewide
DALLAS COUNTY
(D, Hw) - See Statewide
DE KALB COUNTY
(D, Hw) - See Statewide

ELMORE COUNTY
(D, Hw) - See Statewide
ESCAMBIA COUNTY
(D, Hw) - See Statewide
(R) - See Baldwin County
ETOWAH COUNTY
(D, Hw) - See Statewide

ALABAMA (Cont'd.)

FAYETTE COUNTY
(D, Hw) - See Statewide
FRANKLIN COUNTY
(D, Hw) - See Statewide
(R) - See Colbert County
GENEVA COUNTY
(D, Hw) - See Statewide

GREENE COUNTY
(D, Hw) - See Statewide
HALE COUNTY
(D, Hw) - See Statewide
HENRY COUNTY
(D, Hw) - See Statewide

(D, Hw) - See Statewide
HOUSTON COUNTY
(D, Hw) - See Statewide
JACKSON COUNTY
(D, Hw) - See Statewide
JEFFERSON COUNTY
(D, Hw) - See Statewide

Decision #AL75-1056 (B)
40 FR 23632 - 5/30/75
Mod. #1 - 40 FR 27403 - 6/27/75
(D) - See Statewide
(R) - See Blount County
(Hw) - See Statewide

LAUDERDALE COUNTY
(B, R) - See Colbert County
(D, Hw) - See Statewide
LAURENS COUNTY
(D, Hw) - See Statewide
Decision #AL75-1027 (B)

40 FR 8701 - 2/28/75
Mod. #1 - 40 FR 27403 - 6/27/75
Mod. #2 - 40 FR 29439 - 7/11/75
Mod. #3 - 40 FR 40003 - 8/29/75
(D, Hw) - See Statewide
(R) - See Colbert County

LEE COUNTY
(D, Hw) - See Statewide
LINCOLN COUNTY
(B) - See Lawrence County
(D, Hw) - See Statewide

ALABAMA (cont'd.)

LOWNDES COUNTY
(D, Hw) - See Statewide
MACON COUNTY
(D, Hw) - See Statewide
MADISON COUNTY
(D, Hw) - See Statewide
Decision #AL75-1063 (B)

40 FR 26188 - 6/20/75
Mod. #1 - 40 FR 29440 - 7/11/75
Mod. #2 - 40 FR 40003 - 8/29/75
(D, Hw) - See Statewide
MADISON COUNTY
(D, Hw) - See Statewide

MARION COUNTY
(R) - See Colbert County
(D, Hw) - See Statewide
MARSHALL COUNTY
(D, Hw) - See Statewide
MOBILE COUNTY
(D, Hw) - See Statewide

Decision #AL75-1069 (B)
40 FR 30389 - 7/18/75
Mod. #1 - 40 FR 36893 - 8/22/75
(D, Hw) - See Statewide
(R) - See Baldwin County
MONROE COUNTY
(D, Hw) - See Statewide

MONTGOMERY COUNTY
(D, Hw) - See Statewide
Decision #AL75-1071 (R)
40 FR 30392 - 7/18/75
Decision #AL75-1073 (B)
40 FR 33580 - 8/8/75
(D, Hw) - See Statewide

MORGAN COUNTY
(B) - See Lawrence County
(D, Hw) - See Statewide
PERRY COUNTY
(D, Hw) - See Statewide
PICKENS COUNTY
(D, Hw) - See Statewide

ARKANSAS

STATEWIDE
Decision #AR-71 (Construction,
Alteration, and/or repair of
streets, highways, runways,
and water & sewer utilities)
39 FR 40409 - 11/15/74
Decision #AR-4013 (D)
39 FR 27397 - 7/26/74
ARKANSAS COUNTY
(D, H, W) - See Statewide
Decision #AR75-5074 (F)
40 FR 26189 - 6/20/75
ASHELBY COUNTY
(D, H, W) - See Statewide
(F) - See Arkansas County
BAXTER COUNTY
(D, H, W) - See Statewide
(F) - See Arkansas County
BENTON COUNTY
(D, H, W) - See Statewide
(F) - See Arkansas County
BOONE COUNTY
(D, H, W) - See Statewide
(F) - See Arkansas County
BRADLEY COUNTY
(D, H, W) - See Statewide
(F) - See Arkansas County
CALHOUN COUNTY
(D, H, W) - See Statewide
(F) - See Arkansas County
CARROLL COUNTY
(D, H, W) - See Statewide
(F) - See Arkansas County
CHILCOT COUNTY
(D, H, W) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd)

CLARK COUNTY
(D, H, W) - See Statewide
(F) - See Arkansas County
CLAY COUNTY
(D, H, W) - See Statewide
(F) - See Arkansas County
CLEBURNE COUNTY
(D, H, W) - See Statewide
(F) - See Arkansas County
CLEVELAND COUNTY
(D, H, W) - See Statewide
(F) - See Arkansas County
COLUMBIA COUNTY
(D, H, W) - See Statewide
(F) - See Arkansas County
COMBAT COUNTY
Decision #AR75-4084 (B)
40 FR 19321 - 5/2/75
Mod. #1 - 40 FR 25319 - 6/13/75
(D, H, W) - See Statewide
(F) - See Arkansas County
CRAIGHEAD COUNTY
(D, H, W) - See Statewide
(F) - See Arkansas County
CRAWFORD COUNTY
(D, H, W) - See Statewide
(F) - See Arkansas County
Decision #AR75-4082 (B)
40 FR 17452 - 4/18/75
Mod. #1 - 40 FR 25319 - 6/13/75
CRITTENDEN COUNTY
(D, H, W) - See Statewide
(F) - See Arkansas County
CROSS COUNTY
(D, H, W) - See Statewide
(F) - See Arkansas County
DALLAS COUNTY
(D, H, W) - See Statewide
(F) - See Arkansas County
DESHA COUNTY
(D, H, W) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd)

DREW COUNTY
(D, H, W) - See Statewide
(F) - See Arkansas County
FAULKNER COUNTY
(D, H, W) - See Statewide
(F) - See Arkansas County
FRANKLIN COUNTY
(D, H, W) - See Statewide
(F) - See Arkansas County
FULTON COUNTY
(D, H, W) - See Statewide
(F) - See Arkansas County
GARLAND COUNTY
Decision #AR75-4283 (B)
40 FR 18271 - 4/25/75
Mod. #1 - 40 FR 25319 - 6/13/75
(D, H, W) - See Statewide
(F) - See Arkansas County
GRANT COUNTY
(D, H, W) - See Statewide
(F) - See Arkansas County
GREENE COUNTY
(D, H, W) - See Statewide
(F) - See Arkansas County
HEMPSTEAD COUNTY
(D, H, W) - See Statewide
(F) - See Arkansas County
HOT SPRING COUNTY
(D, H, W) - See Statewide
(F) - See Arkansas County
HUNTER COUNTY
(D, H, W) - See Statewide
(F) - See Arkansas County
INDEPENDENCE COUNTY
(D, H, W) - See Statewide
(F) - See Arkansas County
IZARD COUNTY
(D, H, W) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd)

JACKSON COUNTY
(D, H, W) - See Statewide
(F) - See Arkansas County
JEFFERSON COUNTY
(D, H, W) - See Statewide
(F) - See Arkansas County
JOHNSON COUNTY
(D, H, W) - See Statewide
(F) - See Arkansas County
LAFAYETTE COUNTY
(D, H, W) - See Statewide
(F) - See Arkansas County
LAWRENCE COUNTY
(D, H, W) - See Statewide
(F) - See Arkansas County
LEE COUNTY
(D, H, W) - See Statewide
(F) - See Arkansas County
LINCOLN COUNTY
(D, H, W) - See Statewide
(F) - See Arkansas County
LITTLE RIVER COUNTY
(D, H, W) - See Statewide
(F) - See Arkansas County
LOGAN COUNTY
(D, H, W) - See Statewide
(F) - See Arkansas County
LENOIR COUNTY
(D, H, W) - See Statewide
(F) - See Arkansas County
MADISON COUNTY
(D, H, W) - See Statewide
(F) - See Arkansas County
MARION COUNTY
(D, H, W) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd)

MILLER COUNTY
(D, H, W) - See Statewide
(F) - See Arkansas County

MISSISSIPPI COUNTY
(D, H, W) - See Statewide
(F) - See Arkansas County

MONROE COUNTY
(D, H, W) - See Statewide
(F) - See Arkansas County

MONTGOMERY COUNTY
(D, H, W) - See Statewide
(F) - See Arkansas County

NEVADA COUNTY
(D, H, W) - See Statewide
(F) - See Arkansas County

NEWTON COUNTY
(D, H, W) - See Statewide
(F) - See Arkansas County

QUACHITA COUNTY
(B) - See Union County
(D, H, W) - See Statewide
(F) - See Arkansas County

PERRY COUNTY
(B) - See Conway County
(D, H, W) - See Statewide
(F) - See Arkansas County

PHILLIPS COUNTY
(D, H, W) - See Statewide
(F) - See Arkansas County

PIKE COUNTY
(D, H, W) - See Statewide
(F) - See Arkansas County

POINSETT COUNTY
(D, H, W) - See Statewide
(F) - See Arkansas County

POLK COUNTY
(D, H, W) - See Statewide
(F) - See Arkansas County

POPE COUNTY
(D, H, W) - See Statewide
(F) - See Arkansas County

ARKANSAS (CONT'D)

PRAIRIE COUNTY
(D, H, W) - See Statewide
(F) - See Arkansas County

PULASKI COUNTY
(D, H, W) - See Statewide
(F) - See Arkansas County

Decision #18275-4134 (B)
40 FR 31455 - 7/25/75

Decision #18275-4068 (B)
40 FR 14218 - 3/28/75

RANDOLPH COUNTY
(D, H, W) - See Statewide
(F) - See Arkansas County

ST. FRANCIS COUNTY
(D, H, W) - See Statewide
(F) - See Arkansas County

SALLINE COUNTY
(D, H, W) - See Statewide
(F) - See Arkansas County

SCOTT COUNTY
(D, H, W) - See Statewide
(F) - See Arkansas County

SEARCY COUNTY
(D, H, W) - See Statewide
(F) - See Arkansas County

SEBASTIAN COUNTY
(F) - See Arkansas County
(D, H, W) - See Statewide
(B) - See Crawford County

SEVIER COUNTY
(D, H, W) - See Statewide
(F) - See Arkansas County

SHARP COUNTY
(D, H, W) - See Statewide
(F) - See Arkansas County

ARKANSAS (CONT'D)

STONE COUNTY
(D, H, W) - See Statewide
(F) - See Arkansas County

UNION COUNTY
Decision #18275-4073 (B)
40 FR 15287 - 4/4/75

Mod. #1 - 40 FR 19323 - 5/2/75
Mod. #2 - 40 FR 25319 - 6/13/75

(F) - See Arkansas County
(D, H, W) - See Statewide

VAN BUREN COUNTY
(D, H, W) - See Statewide
(F) - See Arkansas County

WASHINGTON COUNTY
(D, H, W) - See Statewide
(F) - See Arkansas County

WHITE COUNTY
(D, H, W) - See Statewide
(F) - See Arkansas County

WOODRUFF COUNTY
(D, H, W) - See Statewide
(F) - See Arkansas County

YELL COUNTY
(D, H, W) - See Statewide
(F) - See Arkansas County

CALIFORNIA

ALAMEDA COUNTY
Decision #CA75-5085 (B, H, Hw, D)
Mod. #1 - 40 FR 40003 - 8/29/75
Decision #CA75-5086 (R)
40 FR 31474 - 7/25/75
Mod. #1 - 40 FR 40005 - 8/29/75
ALPINE COUNTY
(B, D, H, Hw, R) - See Alameda County
ANIMAS COUNTY
(B, D, H, Hw, R) - See Alameda County
BUTTE COUNTY
(B, H, Hw, D) - See Alameda County
CALAVERAS COUNTY
(B, H, Hw, D, R) - See Alameda County
COLUSA COUNTY
(B, H, Hw, D) - See Alameda County
CONTRA COSTA COUNTY
(B, D, H, Hw, R) - See Alameda County
DELAWARE COUNTY
(B, D, H, Hw, R) - See Alameda County
EL DORADO COUNTY
(B, D, H, Hw, R) - See Alameda County
FRESNO COUNTY
(B, D, H, Hw, R) - See Alameda County

CALIFORNIA (Cont'd)

GLENN COUNTY
(B, H, Hw, D) - See Alameda County
HUMBOLDT COUNTY
(B, D, H, Hw, R) - See Alameda County
IMPERIAL COUNTY
Decision #CA75-5087 (B, D, H, Hw)
40 FR 31487 - 7/25/75
Mod. #1 - 40 FR 41349 - 9/5/75
Decision #CA75-5088 (R)
40 FR 31496 - 7/25/75
Mod. #1 - 40 FR 41350 - 9/5/75
INYO COUNTY
(B, H, Hw, D) - See Imperial County
KERN COUNTY
(B, D, H, Hw, R) - See Imperial County

CALIFORNIA (Cont'd)

KING COUNTY
(B, H, Hw, D) - See Alameda County
LAKE COUNTY
(B, H, Hw, D) - See Alameda County
LASSEN COUNTY
(B, H, Hw, D) - See Alameda County
LOS ANGELES COUNTY
(B, D, H, Hw, R) - See Imperial County
MADERA COUNTY
(B, H, Hw, D) - See Alameda County
MARIN COUNTY
(B, H, Hw, D, R) - See Alameda County
MARIPOSA COUNTY
(B, D, H, Hw, R) - See Alameda County
MENDOCINO COUNTY
(B, H, Hw, D) - See Alameda County
MERCE COUNTY
(B, D, H, Hw, R) - See Alameda County
MODOC COUNTY
(B, H, Hw, D) - See Alameda County
MONO COUNTY
(B, H, Hw, D) - See Imperial County
MONTEREY COUNTY
(B, D, H, Hw, R) - See Alameda County
NAPA COUNTY
(B, D, H, Hw, R) - See Alameda County
NEVADA COUNTY
(B, D, H, Hw, R) - See Alameda County
ORANGE COUNTY
(B, D, H, Hw, R) - See Imperial County
PLACER COUNTY
(B, D, H, Hw, R) - See Alameda County
PLUMAS COUNTY
(B, H, Hw, D) - See Alameda County
RIVERSIDE COUNTY
(B, D, H, Hw, R) - See Imperial County
SACRAMENTO COUNTY
(B, D, H, Hw, R) - See Alameda County
SAN BENITO COUNTY
(B, H, Hw, D, R) - See Alameda County
SAN BERNARDINO COUNTY
(B, D, H, Hw, R) - See Imperial County
SAN DIEGO COUNTY
Decision #CA75-5071 (B, H, Hw, D)
40 FR 25337 - 6/13/75
Mod. #1 - 40 FR 29442 - 7/11/75
Mod. #2 - 40 FR 30383 - 7/18/75
Mod. #3 - 40 FR 41349 - 9/5/75

CALIFORNIA (Cont'd)

SAN DIEGO COUNTY (Cont'd.)
Decision #CA75-5072 (R)
40 FR 25343 - 6/13/75
Mod. #1 - 40 FR 29442 - 7/11/75
Mod. #2 - 40 FR 30383 - 7/18/75
Mod. #3 - 40 FR 41349 - 9/5/75
SAN FRANCISCO COUNTY
(B, D, H, Hw, R) - See Alameda County
SAN JOAQUIN COUNTY
(B, D, H, Hw, R) - See Alameda County
SAN LUIS OBISPO COUNTY
(B, D, H, Hw, R) - See Imperial County
SAN MATEO COUNTY
(B, D, H, Hw, R) - See Alameda County
SANTA BARBARA COUNTY
(B, D, H, Hw, R) - See Imperial County
SANTA CLARA COUNTY
(B, D, H, Hw, R) - See Alameda County
SANTA CRUZ COUNTY
(B, D, H, Hw, R) - See Alameda County
SHASTA COUNTY
(B, D, H, Hw, R) - See Alameda County
SIERRA COUNTY
(B, H, Hw, D) - See Alameda County
SISKIYOU COUNTY
(B, H, Hw, D) - See Alameda County
SOLANO COUNTY
(B, D, H, Hw, R) - See Alameda County
SONOMA COUNTY
(B, D, H, Hw, R) - See Alameda County
STANISLAUS COUNTY
(B, D, H, Hw, D) - See Alameda County
SUTTER COUNTY
(B, D, H, Hw, R) - See Alameda County
TEHAMA COUNTY
(B, D, H, Hw, R) - See Alameda County
TRINITY COUNTY
(B, H, Hw, D) - See Alameda County
TULARE COUNTY
(B, H, Hw, D) - See Alameda County
TUOLUMNE COUNTY
(B, D, H, Hw, R) - See Alameda County
VENTURA COUNTY
(B, D, H, Hw, R) - See Imperial County

CALIFORNIA (Cont'd.)

YOLO COUNTY
(B.H., Ph.D., R.) - See Alameda County
YUBA COUNTY
(B.H., Ph.D., R.) - See Alameda County

COLORADO

STATEWIDE
Decision #C075-5104 (Hw)
40 FR 33615 - 8/8/75
ADAMS COUNTY
Decision #C075-5100 (B.H.)
40 FR 33587 - 8/8/75
(Hw) - See Statewide
Decision #C075-5061 (R)
40 FR 22744 - 5/23/75
(Hw) - See Statewide
ALAMOSA COUNTY
(Hw) - See Statewide
AGUAFRUE COUNTY
(Hw) - See Statewide
(B.H., R.) - See Adams County
ARCHULETA COUNTY
(Hw) - See Statewide
BACA COUNTY
(Hw) - See Statewide
BENT COUNTY
(Hw) - See Statewide
BOULDER COUNTY
(Hw) - See Statewide
(B.H.) - See Adams County
CHAFFEE COUNTY
(Hw) - See Statewide
CHEYENNE COUNTY
(Hw) - See Statewide

COLORADO (cont'd.)

CLEAR CREEK
(B.H.) - See Adams County
(Hw) - See Statewide
COAGUOS COUNTY
(Hw) - See Statewide
COSTILLA COUNTY
(Hw) - See Statewide
CROWLEY COUNTY
(Hw) - See Statewide
CUSTER COUNTY
(Hw) - See Statewide
DELTA COUNTY
Decision #C075-5102 (B.H.)
40 FR 33601 - 8/8/75
(Hw) - See Statewide
DENVER COUNTY
(Hw) - See Statewide
(B.H., R.) - See Adams County
DOLARES COUNTY
(Hw) - See Statewide
DUCELAS COUNTY
(Hw) - See Statewide
(B.H.) - See Adams County
EAGLE COUNTY
(B.H.) - See Adams County
(Hw) - See Statewide
ELBERT COUNTY
(Hw) - See Statewide
(B.H.) - See Adams County
EL PASO COUNTY
Decision #C075-5101 (B.H.)
40 FR 33595 - 8/8/75
(Hw) - See Statewide
FREMONT COUNTY
(Hw) - See Statewide
GARFIELD COUNTY
(B.H.) - See Delta County
(Hw) - See Statewide
GILPIN COUNTY
(B.H.) - See Adams County
(Hw) - See Statewide
GRAND COUNTY
(Hw) - See Adams County
(Hw) - See Statewide
GUNNISON COUNTY
(B.H.) - See Delta County
(Hw) - See Statewide
HINSDALE COUNTY
(Hw) - See Statewide
HENDERSON COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(Hw) - See Statewide

COLORADO (Cont'd.)

JEFFERSON COUNTY
(Hw) - See Statewide
(B.H., R.) - See Adams County
KLONAH COUNTY
(Hw) - See Statewide
KIT CARSON COUNTY
(Hw) - See Statewide
LAKE COUNTY
(B.H.) - See Adams County
(Hw) - See Statewide
LA PLATA COUNTY
(Hw) - See Statewide
LARIMER COUNTY
(B.H.) - See Adams County
(Hw) - See Statewide
LAS ANIMAS COUNTY
Decision #C075-5103 (B.H.)
40 FR 33608 - 8/8/75
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
LOGAN COUNTY
(Hw) - See Statewide
MESA COUNTY
(B.H.) - See Delta County
(Hw) - See Statewide
MINERAL COUNTY
(Hw) - See Statewide
MOFFAT COUNTY
(Hw) - See Statewide
MONTEZUMA COUNTY
(Hw) - See Statewide
MONTROSE COUNTY
(B.H.) - See Delta County
(Hw) - See Statewide
MORGAN COUNTY
(B.H.) - See Adams County
(Hw) - See Statewide
OTERO COUNTY
(B.H.) - See Las Animas County
(Hw) - See Statewide
OURAY COUNTY
(Hw) - See Statewide
PARK COUNTY
(B.H.) - See Adams County
(Hw) - See Statewide
PHILLIPS COUNTY
(Hw) - See Statewide
PITKIN COUNTY
(B.H.) - See Delta County
(Hw) - See Statewide
PROBERS COUNTY
(Hw) - See Statewide
PUEBLO COUNTY
(Hw) - See Statewide
(B.H.) - See Las Animas County

COLORADO (Cont'd.)

RIO BLANCO COUNTY
 (Hw) - See Statewide
 RIO GRANDE COUNTY
 (Hw) - See Statewide
 ROUTT COUNTY
 (Hw) - See Statewide
 SAGUACHE COUNTY
 (Hw) - See Statewide
 SAN JUAN COUNTY
 (Hw) - See Statewide
 SAN MIGUEL COUNTY
 (Hw) - See Statewide
 SEDGWICK COUNTY
 (Hw) - See Statewide
 SUMMIT COUNTY
 (B,H) - See Adams County
 (Hw) - See Statewide
 TELLER COUNTY
 (Hw) - See Statewide
 WASHINGTON COUNTY
 (Hw) - See Statewide
 WELD COUNTY
 (B,H) - See Adams County
 (Hw) - See Statewide
 YUMA COUNTY
 (Hw) - See Statewide

CONNECTICUT

FAIRFIELD COUNTY
 Decision #CT75-2065 (B,H,Hw,R)
 40 FR 18288 - 4/25/75
 Mod. #1 - 40 FR 22725 - 5/23/75
 Mod. #2 - 40 FR 25320 - 6/13/75
 Mod. #3 - 40 FR 31431 - 7/25/75
 Mod. #4 - 40 FR 36893 - 8/22/75
 Decision #CT75-5045 (D)
 40 FR 15294 - 4/4/75
 HARTFORD COUNTY
 Decision #CT75-2066 (B,H,Hw)
 40 FR 18286 - 4/25/75
 Mod. #1 - 40 FR 22727 - 5/23/75
 Mod. #2 - 40 FR 31433 - 7/25/75
 Mod. #3 - 40 FR 36894 - 8/22/75
 Decision #CT75-2067 (R)
 40 FR 18304 - 4/25/75
 LITCHFIELD COUNTY
 (B,H,Hw,R) - See Fairfield County
 MIDDLESEX COUNTY
 (B,H,Hw) - See Hartford County
 (D) - See Fairfield County
 NEW HAVEN COUNTY
 (B,H,Hw) - See Hartford County
 (D) - See Fairfield County
 NEW LONDON COUNTY
 (B,H,Hw,D,R) - See Fairfield County
 TOLLAND COUNTY
 (B,H,Hw) - See Hartford County
 WINDHAM COUNTY
 (B,H,Hw,D,R) - See Fairfield County

DELAWARE

STATEWIDE
 Decision #CT75-5045 (D)
 40 FR 15294 - 4/4/75
 Decision #DE75-3092 (B,H,Hw)
 40 FR 36903 - 8/2/75
 Mod. #1 - 40 FR 34539 - 8/15/75
 KENT COUNTY
 (B,H,Hw,D) - See Statewide
 NEW CASTLE COUNTY
 (B,H,Hw,D) - See Statewide
 SUSSEX COUNTY
 (B,H,Hw,D) - See Statewide

FLORIDA

ALACHUA COUNTY
 Decision #FL75-1037 (B)
 40 FR 12974 - 3/21/75
 Mod. #1 - 40 FR 18275 - 4/25/75
 Mod. #2 - 40 FR 22730 - 5/23/75
 Mod. #3 - 40 FR 26181 - 6/20/75
 Mod. #4 - 40 FR 32551 - 8/1/75
 (Hw) - See Bay County
 BAKER COUNTY
 Decision #FL75-1081 (Hw)
 40 FR 41359 - 9/5/75
 BAY COUNTY
 Decision #FL75-1012 (B)
 40 FR 4805 - 1/31/75
 Decision #AR-4013 (D)
 38 FR 27397 - 7/26/74
 Decision #FL75-1080 (Hw)
 40 FR 41358 - 9/5/75

FLORIDA (Cont'd.)

BRADFORD COUNTY
(Hw) - See Alachua County
BREVARD COUNTY (Cape Kennedy
Kennedy Space Flight Center &
Patrick AFB only)
Decision #FL75-1067 (B, H, Hw)
40 FR 41364 - 9/5/75
Decision #AR-4068 (D)
39 FR 44915 - 12/27/74
(Remainder of County)
Decision #FL75-1082 (Hw)
40 FR 41360 - 9/5/75
BROWARD COUNTY
Decision #FL75-1084 (Hw)
40 FR 41362 - 9/5/75
Decision #FL75-1011 (B, H)
40 FR 3886 - 1/24/75
Mod. #1 - 40 FR 6694 - 2/28/75
Mod. #2 - 40 FR 12952 - 3/21/75
(D) - See Brevard County
CALHOUN COUNTY
(Hw) - See Bay County
CHARLOTTE COUNTY
(Hw) - See DeSoto County
(D) - See Brevard County
CITRUS COUNTY
Decision #AR-4000 (R)
39 FR 24775 - 7/5/74
Mod. #1 - 40 FR 12003 - 3/14/75
(Hw) - See Bay County
CLAY COUNTY
(D) - See Brevard County
(Hw) - See Baker County
COLLIER COUNTY
(D) - See Brevard County
(Hw) - See Charlotte County
COLUMBIA COUNTY
(B) - See Alachua County
DADE COUNTY
Decision #FL75-1018 (B)
40 FR 6018 - 2/7/75
Mod. #1 - 40 FR 14196 - 3/28/75
Mod. #2 - 40 FR 17457 - 4/18/75
Mod. #3 - 40 FR 26181 - 6/20/75
Mod. #4 - 40 FR 31435 - 7/25/75
Decision #AR-4050 (R)
39 FR 38077 - 10/25/74
(D) - See Brevard County
(Hw) - See Broward County

FLORIDA (Cont'd.)

DE SOTO COUNTY
Decision #AR-4065 (R)
40 FR 43468 - 12/13/74
Decision #FL75-1083 (Hw)
40 FR 41361 - 9/5/75
DIXIE COUNTY
(D) - See Alachua County
(B) - See Alachua County
DUNAL COUNTY
Decision #FL75-1016 (B)
40 FR 4807 - 1/31/75
Mod. #1 - 40 FR 12952 - 3/21/75
Mod. #2 - 40 FR 22730 - 5/23/75
Mod. #3 - 40 FR 26181 - 6/20/75
Mod. #4 - 40 FR 32551 - 8/1/75
(D) - See Brevard County
(Hw) - See Baker County
ESCAMBIA COUNTY
Decision #FL75-1024 (B)
40 FR 7801 - 2/21/75
Mod. #1 - 40 FR 12953 - 3/21/75
Mod. #2 - 40 FR 18275 - 4/25/75
Mod. #3 - 40 FR 25324 - 6/13/75
Decision #AP-178 (R)
38 FR 11269 - 5/4/73
Mod. #1 - 39 FR 12002 - 3/14/75
Decision #FL75-1030 (Hw)
40 FR 10891 - 3/7/75
Mod. #1 - 40 FR 14196 - 3/28/75
(D) - See Bay County
FLAGLER COUNTY
(D) - See Brevard County
(Hw) - See Baker County
FRANKLIN COUNTY
(D) - See Bay County
(Hw) - See Bay County
GAUSDEN COUNTY
Decision #AP-179 (R)
38 FR 11260 - 5/4/73
Mod. #1 - 39 FR 15604 - 5/3/74
Mod. #2 - 40 FR 12003 - 3/14/75
(Hw) - See Bay County
GILCHRIST COUNTY
(B) - See Alachua County
GLADES COUNTY
(Hw) - See Charlotte County
GULF COUNTY
(D) - See Bay County
(Hw) - See Alachua County
HAMILTON COUNTY
(B) - See Alachua County
HARDEE COUNTY
(Hw, R) - See DeSoto County
HENRY COUNTY
(Hw) - See Charlotte County
HERNANDO COUNTY
(D) - See Brevard County
(Hw, R) - See Citrus County

FLORIDA (Cont'd.)

HIGHLANDS COUNTY
(R) - See Citrus County
(Hw) - See DeSoto County
HILLSBOROUGH COUNTY
Decision #FL75-1075 (B)
40 FR 34556 - 8/15/75
(Hw) - See Brevard County
(D) - See Brevard County
(R) - See Citrus County
HOLMES COUNTY
(Hw) - See Bay County
INDIAN RIVER COUNTY
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co.)
JACKSON COUNTY
(Hw) - See Bay County
JEFFERSON COUNTY
(D, Hw) - See Bay County
(R) - See Gadsden County
LAFAYETTE COUNTY
(B, H) - See Alachua County
LAKE COUNTY
Decision #FL75-1066 (R)
40 FR 28332 - 7/3/75
(Hw) - See Brevard Co. (Remainder of Co.)
LEE COUNTY
(D) - See Brevard County
(Hw) - See Charlotte County
LEON COUNTY
Decision #FL75-1036 (B)
40 FR 14221 - 3/28/75
Mod. #1 - 40 FR 32551 - 8/1/75
(Hw) - See Bay County
(R) - See Gadsden County
LEVY COUNTY
(D) - See Brevard County
(Hw) - See Citrus County
LIBERTY COUNTY
(Hw) - See Bay County
MADISON COUNTY
(R) - See Gadsden County
(B) - See Alachua County
MANATEE COUNTY
(D) - See Brevard County
(Hw) - See Hillsborough County
MARION COUNTY
(Hw) - See Citrus County
MARTIN COUNTY
Decision #FL75-1033 (B)
40 FR 14219 - 3/28/75
Mod. #1 - 40 FR 19327 - 5/2/75
Mod. #2 - 40 FR 25342 - 6/13/75
Mod. #3 - 40 FR 32551 - 8/1/75
(D) - See Brevard County
(Hw) - See Broward County

FLORIDA (Cont'd.)

MONROE COUNTY
(D) - See Brevard County
(Hw) - See Broward County
NASSAU COUNTY
(D) - See Brevard County
(Hw) - See Baker County
OKALOOSA COUNTY
(B) - See Escambia County
(D) - See Bay County
(Hw) - See Escambia County
Decision #AP-180 (R)
38 FR 11260 - 5/4/73
Mod. #1 - 39 FR 15604 - 5/3/74
Mod. #2 - 40 FR 12002 - 3/14/75
OKEECHOBEE COUNTY
(Hw) - See DeSoto County
ORANGE COUNTY
Decision #FL75-1009 (B)
40 FR 3882 - 1/24/75
Mod. #1 - 40 FR 12952 - 3/21/75
Mod. #2 - 40 FR 25324 - 6/13/75
(Hw) - See Brevard Co. (Remainder of Co)
(R) - See Lake County
OSCEOLA COUNTY
(Hw) - See Brevard Co. (Remainder of Co)
PALM BEACH COUNTY
(D) - See Brevard County
(B) - See Martin County
(Hw) - See Broward County
PASCO COUNTY
(D) - See Brevard County
(Hw) - See Hillsborough County
(R) - See Citrus County
PINELLAS COUNTY
Decision #FL75-1034 (B)
40 FR 12870 - 3/21/75
Mod. #1 - 40 FR 16477 - 4/11/75
Mod. #2 - 40 FR 25324 - 6/13/75
Mod. #3 - 40 FR 32551 - 8/1/75
(R) - See Citrus County
(D) - See Brevard County
(Hw) - See Hillsborough County
POLK COUNTY
(Hw) - See DeSoto County
(R) - See DeSoto County
PUTNAM COUNTY
(Hw) - See Baker County
ST. JOHNS COUNTY
(D) - See Brevard County
(Hw) - See Baker County
ST. LUCIE COUNTY
(D) - See Brevard County
(Hw) - See Broward County
SANTA ROSA COUNTY
(B) - See Escambia County
(D, Hw) - See Bay County
(R) - See Okaloosa County

FLORIDA (Cont'd.)

SANTA ROSA COUNTY
(B) - See Escambia County
(D, H) - See Bay County
(R) - See Okaloosa County
SARASOTA COUNTY
(D) - See Brevard County
(H) - See Hillsborough County
SEMINOLE COUNTY
(H) - See Brevard Co. (Remainder of Co.)
(R) - See Lake County
SUMTER COUNTY
(H, R) - See Citrus County
SUWANNEE COUNTY
(B) - See Alachua County
TAYLOR COUNTY
(D) - See Brevard County
(R) - See Gadsden County
(B) - See Alachua County
UNION COUNTY
(B) - See Alachua County
VOLUSTA COUNTY (Except Cape Kennedy,
Kennedy Space Flight Center &
Patrick Air Force Base only and
including Melabur Radar Site)
Decision #FL75-1040 (B)
40 FR 14223 - 3/28/75
Mod. #1 - 40 FR 25324 - 6/13/75
(B, H, H) - See Brevard Co. (Cape Kennedy, Etc.)
(D) - See Brevard County
(H) - See Brevard County (Remainder of Co.)
WAGALLA COUNTY
(D) - See Bay County
(H) - See Bay County
WALTON COUNTY
(B) - See Escambia County
(D, H) - See Bay County
(R) - See Okaloosa County
WASHINGTON COUNTY
(H) - See Bay County

GEORGIA

STRETTEME
Decision #AR-4038 (H)
39 FR 34984 - 9/27/74
Mod. #1 - 39 FR 36711 - 10/11/74
Mod. #2 - 40 FR 23629 - 5/30/75
APPLING COUNTY
(H) - See Statewide
ATKINSON COUNTY
(H) - See Statewide
BACON COUNTY
(H) - See Statewide

GEORGIA

BAKER COUNTY
Decision #AQ-4089 (R)
39 FR 10067 - 3/15/74
Mod. #1 - 40 FR 3083 - 1/17/75
(H) - See Statewide
BALDWIN COUNTY
(H) - See Statewide
BANKS COUNTY
(H) - See Statewide
BARROW COUNTY
Decision #AQ-4108 (R)
39 FR 14841 - 4/26/74
(H) - See Statewide
BARTOW COUNTY
(H) - See Statewide
BEN HILL COUNTY
(H) - See Statewide
BERRIEN COUNTY
(H) - See Statewide
BIBB COUNTY
(H) - See Statewide
BLECKLEY COUNTY
(H) - See Statewide
BRANTLEY COUNTY
(H) - See Statewide
BROOKS COUNTY
(H) - See Statewide
BRYAN COUNTY
Decision #AQ-4058 (R)
39 FR 3394 - 1/25/74
Decision #MD75-3008 (D)
40 FR 3094 - 1/17/75
Mod. #1 - 40 FR 14204 - 3/28/75
BULLOCK COUNTY
(R) - See Bryan County
(H) - See Statewide
BURKE COUNTY
Decision #AQ-4085 (R)
39 FR 9333 - 3/19/74
(H) - See Statewide
BUTTS COUNTY
(H) - See Statewide
CALHOUN COUNTY
(H) - See Statewide
(R) - See Baker County
CANNON COUNTY
(B) - See Bryan County
(H) - See Statewide
CANADLER COUNTY
(H) - See Statewide
CARROLL COUNTY
(H) - See Statewide
CATOOSA COUNTY
(H) - See Statewide
CHARLTON COUNTY
Decision #AR-4037 (R)
39 FR 33919 - 9/20/75
Mod. #1 - 40 FR 3088
(H) - See Statewide

GEORGIA (Cont'd.)

CHATHAM COUNTY
Decision #AR-4064 (B)
39 FR 42817 - 12/6/74
Mod. #1 - 40 FR 16478 - 4/11/75
Mod. #2 - 40 FR 23325 - 6/13/75
Mod. #3 - 40 FR 32352 - 8/1/75
Mod. #4 - 40 FR 34539 - 8/15/75
(R) - See Bryan County
(D, R) - See Bryan County
CHATTAHOOCHEE COUNTY
Decision #GA75-1039 (B)
40 FR 16471 - 4/11/75
Mod. #1 - 40 FR 24455 - 6/16/75
Decision #AQ-4086 (R)
39 FR 9334 - 3/18/74
Mod. #1 - 40 FR 3083 - 1/17/75
(H) - See Statewide
CHATTOKUSA COUNTY
(H) - See Statewide
CHEROKEE COUNTY
(H) - See Statewide
CLARKE COUNTY
(H) - See Statewide
(H) - See Statewide
(R) - See Barrow County
CLAY COUNTY
(R) - See Baker County
(H) - See Statewide
CLAYTON COUNTY
Decision #GA75-1019 (B)
40 FR 6020 - 2/7/75
Mod. #1 - 40 FR 16478 - 4/11/75
Mod. #2 - 40 FR 19326 - 5/2/75
Mod. #3 - 40 FR 20305 - 7/3/75
Mod. #4 - 40 FR 34539 - 8/15/75
Decision #AQ-4052 (R)
39 FR 2328 - 1/18/74
Mod. #1 - 40 FR 3861 - 1/24/75
Decision #AR-4051 (H)
39 FR 38797 - 11/1/74
(B) - See Fulton County
(H) - See Statewide
CLINCH COUNTY
(H) - See Statewide
COBB COUNTY
(B, H, R) - See Fulton County
(H) - See Statewide
COFFEY COUNTY
(H) - See Statewide
COLQUITT COUNTY
(H) - See Statewide
COLUMBIA COUNTY
(R) - See Burke County
(H) - See Statewide
COOK COUNTY
(H) - See Statewide
CONETA COUNTY
(H) - See Statewide
CRAWFORD COUNTY
(H) - See Statewide
CRISP COUNTY

GEORGIA (Cont'd.)

DEKALB COUNTY
(D, R) - See Clayton County
(H) - See Statewide
DODGE COUNTY
(H) - See Statewide
DOOLY COUNTY
(H) - See Statewide
DOUGHERTY COUNTY
(H) - See Statewide
(R) - See Baker County
DOUGLAS COUNTY
(H) - See Statewide
EARLY COUNTY
(H) - See Statewide
(R) - See Baker County
EDWOLS COUNTY
(H) - See Statewide
EFFINGHAM COUNTY
(R) - See Bryan County
(H) - See Statewide
ELBERT COUNTY
(H) - See Statewide
(R) - See Barrow County
EMANUEL COUNTY
(H) - See Statewide
EWING COUNTY
(R) - See Bryan County
(H) - See Statewide
FANNIN COUNTY
(H) - See Statewide
FAYETTE COUNTY
(H) - See Statewide
FLOYD COUNTY
(H) - See Statewide
FORSYTH COUNTY
(H) - See Statewide
(B, R) - See Clayton County
(H) - See Statewide
FRANKLIN COUNTY
(H) - See Statewide
FULTON COUNTY
(H) - See Statewide
(B, R) - See Clayton County
GELDER COUNTY
(H) - See Statewide
GLASCOCK COUNTY
(H) - See Statewide
(R) - See Burke County
GLYNN COUNTY
(D) - See Bryan County
(H) - See Statewide
GORDON COUNTY
(H) - See Statewide
GRADY COUNTY
(H) - See Statewide
(R) - See Baker County
GREENE COUNTY
(R) - See Barrow County
(H) - See Statewide

ILLINOIS (Cont'd.)

BOONE COUNTY
Decision #175-2044 (B)
40 FR 10693 - 3/7/75
Mod. #1 - 40 FR 31436 - 7/25/75
Decision #175-2078 (H,Hw)
40 FR 23637 - 5/20/75
Mod. #1 - 40 FR 25182 - 6/20/75
Mod. #2 - 40 FR 29444 - 7/11/75
Mod. #3 - 40 FR 31437 - 7/25/75
BROWN COUNTY
(B,H,Hw) - See Adams County
(D) - See Alexander County
BUREAU COUNTY
Decision #175-2035 (B)
40 FR 5961 - 2/7/75
Mod. #1 - 40 FR 8694 - 2/21/75
Mod. #2 - 40 FR 12004 - 3/14/75
Mod. #3 - 40 FR 13325 - 5/2/75
Mod. #4 - 40 FR 29443 - 7/11/75
Mod. #5 - 40 FR 30384 - 7/18/75
Mod. #6 - 40 FR 31435 - 7/25/75
Decision #175-2079 (H,Hw)
40 FR 25382 - 6/13/75
Mod. #1 - 40 FR 27403 - 6/27/75
Mod. #2 - 40 FR 29445 - 7/11/75
Mod. #3 - 40 FR 31437 - 7/25/75
CALLAHAN COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
CARROLL COUNTY
(H,Hw) - See Bureau County
CASS COUNTY
(H,Hw) - See Adams County
(D) - See Alexander County
CHAMPAIGN COUNTY
Decision #175-2105 (B)
-40 FR 36907 - 8/22/75
Decision #175-2081 (H,Hw)
40 FR 25395 - 6/13/75
CHRISTIAN COUNTY
(H,Hw) - See Adams County
Decision #175-2041 (B)
40 FR 7769 - 2/21/75
Mod. #1 - 29444 - 7/11/75
CLARK COUNTY
(H,Hw) - See Champaign County
CLAY COUNTY
Decision #175-2083 (H,Hw)
40 FR 26194 - 6/20/75
CLINTON COUNTY
(H,Hw) - See Bond County
COLES COUNTY
(H,Hw) - See Champaign County
COOK COUNTY
Decision #175-2092 (B,H,Hw,R)
40 FR 28343 - 7/3/75
Mod. #1 - 40 FR 31438 - 7/25/75
Decision #175-5051 (D)
40 FR 16529 - 4/11/75
Decision #175-2015 (H,Hw)
40 FR 6927 - 2/14/75

IDAHO (Cont'd.)

IDAHO COUNTY
(B,H,Hw) - See Statewide
LATAH COUNTY
(B,H,Hw) - See Statewide
LENIH COUNTY
(B,H,Hw) - See Statewide
LEWIS COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
MADISON COUNTY
(B,H,Hw) - See Statewide
MINIDOKA COUNTY
(B,H,Hw) - See Statewide
NEZ PERCE COUNTY
(B,H,Hw) - See Statewide
ONEIDA COUNTY
(B,H,Hw) - See Statewide
ONYH COUNTY
(B,H,Hw) - See Statewide
PATETTE COUNTY
(B,H,Hw) - See Statewide
POWER COUNTY
(B,H,Hw) - See Statewide
SHOSHONE COUNTY
(B,H,Hw) - See Statewide
TETON COUNTY
(B,H,Hw) - See Statewide
TWIN FALLS COUNTY
(B,H,Hw) - See Statewide
VALLEY COUNTY
(B,H,Hw) - See Statewide
WASHINGTON COUNTY
(B,H,Hw) - See Statewide

ILLINOIS

ADAMS COUNTY
Decision #175-2055 (B)
40 FR 15265 - 4/4/75
Mod. #1 - 40 FR 29444 - 7/11/75
Decision #175-2082 (H,Hw)
40 FR 26190 - 6/20/75
ALEXANDER COUNTY
Decision #175-2084 (H,Hw)
40 FR 27419 - 6/27/75
Mod. #1 - 40 FR 29445 - 7/11/75
Decision #175-2036 (D)
40 FR 5023 - 2/7/75
BOND COUNTY
Decision #175-2100 (H,Hw)
40 FR 32562 - 8/1/75
Mod. #1 - 40 FR 31439 - 8/15/75
Mod. #2 - 40 FR 36894 - 8/22/75

IDAHO

STATEWIDE
Decision #175-5056 (B,H,Hw)
40 FR 20566 - 5/5/75
ADA COUNTY
Decision #175-1029 (B)
38 FR 24513 - 9/7/73
Mod. #1 - 38 FR 26543 - 9/21/73
(B,H,Hw) - See Statewide
ADAMS COUNTY
(B,H,Hw) - See Statewide
BANNOCK COUNTY
(B,H,Hw) - See Statewide
BEAR LAKE COUNTY
(B,H,Hw) - See Statewide
BENEMAR COUNTY
(B,H,Hw) - See Statewide
BINGHAM COUNTY
(B,H,Hw) - See Statewide
BLAINE COUNTY
(B,H,Hw) - See Statewide
BOISE COUNTY
(B,H,Hw) - See Statewide
BONNER COUNTY
(B,H,Hw) - See Statewide
BONNEVILLE COUNTY
(B,H,Hw) - See Statewide
BOUNDARY COUNTY
(B,H,Hw) - See Statewide
BUTTE COUNTY
(B,H,Hw) - See Statewide
CAMAS COUNTY
(B,H,Hw) - See Statewide
CANYON COUNTY
(B,H,Hw) - See Statewide
CARIBOU COUNTY
(B,H,Hw) - See Statewide
CASSIA COUNTY
(B,H,Hw) - See Statewide
CLARK COUNTY
(B,H,Hw) - See Statewide
CLEARWATER COUNTY
(B,H,Hw) - See Statewide
CUSTER COUNTY
(B,H,Hw) - See Statewide
ELMORE COUNTY
(B,H,Hw) - See Statewide
FRANKLIN COUNTY
(B,H,Hw) - See Statewide
FREMONT COUNTY
(B,H,Hw) - See Statewide
GEN COUNTY
(B,H,Hw) - See Statewide
GOODING COUNTY
(B,H,Hw) - See Statewide
IDAHO COUNTY
(B,H,Hw) - See Statewide
JEFFERSON COUNTY
(B,H,Hw) - See Statewide
JEROME COUNTY
(B,H,Hw) - See Statewide

GUAM

GUAM
Decision #175-1029 (B,H,Hw,R)
39 FR 32448 - 9/6/74

HAWAII

STATEWIDE
Decision #175-5058 (B,H,Hw,D,R)
40 FR 32555 - 8/1/75

INDIANA

(Cont'd.)

ADAMS COUNTY
Decision #1075-2093 (H, Hw)
40 FR 29491 - 7/11/75
Mod. #1 - 40 FR 33575 - 8/8/75

ALLEN COUNTY
Decision #1075-2068 (B)
40 FR 27422 - 6/27/75
Mod. #1 - 40 FR 33573 - 8/8/75

Decision #40-3000 (R)
38 FR 22341 - 8/17/73

BARTHOLOMEW COUNTY
(H, Hw) - See Adams County

BARTHOLOMEW COUNTY
(H, Hw) - See Adams County

BENTON COUNTY
(B) - See Allen County

BENTON COUNTY
(B) - See Allen County

BLACKFORD COUNTY
(H, Hw) - See Adams County

BOONE COUNTY
(H, Hw) - See Adams County

Decision #AP-668 (R)
38 FR 13247 - 5/18/73

BROWN COUNTY
(H, Hw) - See Adams County

CARROLL COUNTY
(H, Hw) - See Adams County

CASS COUNTY
(H, Hw) - See Adams County

CLARK COUNTY
Decision #1175-2036 (D)
40 FR 6023 - 2/7/75

CLAY COUNTY
(H, Hw) - See Adams County

CLINTON COUNTY
(H, Hw) - See Adams County

CRAWFORD COUNTY
(H, Hw) - See Adams County

DARTMOUTH COUNTY
(D) - See Clark County

DEARBORN COUNTY
(H, Hw) - See Adams County

DEARBORN COUNTY
(B) - See Allen County

(H, Hw) - See Adams County

DECATUR COUNTY
(H, Hw) - See Adams County

DEKALB COUNTY
(H, Hw) - See Adams County

DELAWARE COUNTY
(B) - See Allen County

(H, Hw) - See Adams County

DUBOIS COUNTY
(H, Hw) - See Adams County

ELKHART COUNTY
(H, Hw) - See Adams County

FAYETTE COUNTY
(H, Hw) - See Adams County

FLOYD COUNTY
(H, Hw) - See Adams County

(B) - See Clark County

(H, Hw) - See Adams County

FOUNTAIN COUNTY
(H, Hw) - See Adams County

FRANKLIN COUNTY
(H, Hw) - See Adams County

FULTON COUNTY
(H, Hw) - See Adams County

GIBSON COUNTY
(H, Hw) - See Adams County

GRANT COUNTY
(B) - See Allen County

(H, Hw) - See Adams County

GREENE COUNTY
(H, Hw) - See Adams County

HAMILTON COUNTY
(H, Hw) - See Adams County

(R) - See Boone County

HANDOCK COUNTY
(H, Hw) - See Adams County

HARRISON COUNTY
(B) - See Clark County

(H, Hw) - See Adams County

HENDRICKS COUNTY
(H, Hw) - See Adams County

(R) - See Boone County

HENRY COUNTY
(H, Hw) - See Adams County

HONARD COUNTY
(H, Hw) - See Adams County

HUNTINGTON COUNTY
(H, Hw) - See Adams County

JACKSON COUNTY
(H, Hw) - See Adams County

JASPER COUNTY
(H, Hw) - See Adams County

JAY COUNTY
(H, Hw) - See Adams County

INDIANA (Cont'd.)

JEFFERSON COUNTY
(D) - See Clark County

JENNINGS COUNTY
(H, Hw) - See Adams County

(H, Hw) - See Adams County

JOHNSON COUNTY
(H, Hw) - See Adams County

(R) - See Boone County

KNOX COUNTY
(H, Hw) - See Adams County

KOSCIUSKO COUNTY
(H, Hw) - See Adams County

LAGRANGE COUNTY
(H, Hw) - See Adams County

LAKE COUNTY
Decision #1075-2089 (B, H, Hw)
40 FR 28346 - 7/3/75
Mod. #1 - 40 FR 33574 - 8/8/75

Decision #40-3095 (D)
38 FR 5982 - 2/7/73

Mod. #1 - 39 FR 44161 - 12/20/74

LAPORTE COUNTY
(B, H, Hw) - See Lake County

(D) - See Lake County

LAURENS COUNTY
(H, Hw) - See Adams County

MAISON COUNTY
(H, Hw) - See Adams County

MARION COUNTY
(B) - See Allen County

(R) - See Boone County

(H, Hw) - See Adams County

MARSHALL COUNTY
(H, Hw) - See Adams County

MARTIN COUNTY
(H, Hw) - See Adams County

MIAMI COUNTY
(H, Hw) - See Adams County

MONROE COUNTY
(B) - See Allen County

(H, Hw) - See Adams County

MONTGOMERY COUNTY
(H, Hw) - See Adams County

MORGAN COUNTY
(R) - See Boone County

(H, Hw) - See Adams County

NEWTON COUNTY
(H, Hw) - See Adams County

MOBILE COUNTY
(H, Hw) - See Adams County

OHIO COUNTY
(D) - See Clark County

(H, Hw) - See Adams County

OSAGE COUNTY
(H, Hw) - See Adams County

OSAGE COUNTY
(H, Hw) - See Adams County

OSAGE COUNTY
(H, Hw) - See Adams County

PARKE COUNTY
(H, Hw) - See Adams County

FERRY COUNTY
(D) - See Clark County

(H, Hw) - See Adams County

PICE COUNTY
(H, Hw) - See Adams County

PORTER COUNTY
(B, H, Hw) - See Lake County

(D) - See Lake County

POSEY COUNTY
(D) - See Clark County

(H, Hw) - See Adams County

PULASKI COUNTY
(H, Hw) - See Adams County

PUTNAM COUNTY
(H, Hw) - See Adams County

RANDOLPH COUNTY
(H, Hw) - See Adams County

RIPLEY COUNTY
(H, Hw) - See Adams County

RUSH COUNTY
(H, Hw) - See Adams County

SAINT JOSEPH COUNTY
(B, H, Hw) - See Lake County

SCOTT COUNTY
(H, Hw) - See Adams County

SHELBY COUNTY
(B) - See Boone County

(H, Hw) - See Adams County

SPENCER COUNTY
(D) - See Clark County

(H, Hw) - See Adams County

STARBUCK COUNTY
(H, Hw) - See Adams County

STUBBINS COUNTY
(H, Hw) - See Adams County

SULLIVAN COUNTY
(H, Hw) - See Adams County

SWITZERLAND COUNTY
(D) - See Clark County

(H, Hw) - See Adams County

INDIANA (Cont'd)

TIPPECANOE COUNTY
(H, Hw) - See Adams County
(B) - See Allen County
TIPTON COUNTY
(H, Hw) - See Adams County
UNION COUNTY
(H, Hw) - See Adams County
WABASH COUNTY
(B) - See Allen County
(D) - See Clark County
(H, Hw) - See Adams County
VERMILLION COUNTY
(H, Hw) - See Adams County
VIGO COUNTY
(B) - See Allen County
(H, Hw) - See Adams County
WABASH COUNTY
(H, Hw) - See Adams County
WARRICK COUNTY
(H, Hw) - See Adams County
WARRICK COUNTY
(B) - See Clark County
(H, Hw) - See Adams County
WASHINGTON COUNTY
(H, Hw) - See Adams County
WAYNE COUNTY
(H, Hw) - See Adams County
WELLS COUNTY
(H, Hw) - See Adams County
WHITE COUNTY
(H, Hw) - See Adams County
WHITLEY COUNTY
(H, Hw) - See Adams County

IOWA

ADAIR COUNTY
None
ADAMS COUNTY
None
ALLAMAKEE COUNTY
None
APPANOOSE COUNTY
Decision #18-73 (Hw)
39 FR 38797 - 11/1/74
Mod. #1 - 40 FR 4786 - 1/31/75
AUBURN COUNTY
None
BENTON COUNTY
Decision #1A75-4081 (Hw)
40 FR 17507 - 4/18/75
BLACK HAWK COUNTY
Decision #1A75-4120 (B, H, Hw) (City of
Waterloo & abutting Municipalities
40 FR 32567 - 8/1/75
Mod. #1 - 40 FR 34540 - 8/15/75
Mod. #2 - 40 FR 36885 - 8/22/75
BOONE COUNTY
None
BREWER COUNTY
None
BUCHANAN COUNTY
None
BUENA VISTA COUNTY
None
BUTLER COUNTY
None
CALHOUN COUNTY
None
CARROLL COUNTY
Decision #1A75-6712 (H, Hw)
37 FR 7429 - 4/14/72
Mod. #1 - 39 FR 40404 - 11/15/74
CASS COUNTY
(H, Hw) - See Carroll County
CEDAR COUNTY
None
CERRO GORDO COUNTY (WALSON CITY)
Decision #1A75-4121 (B, H, Hw)
40 FR 32570 - 8/1/75
Mod. #1 - 40 FR 34540 - 8/15/75
CHEROKEE COUNTY
None
CHICKASAW COUNTY
None
CLARKE COUNTY
None

IOWA (Cont'd)

CLAY COUNTY
(H, Hw) - See Carroll County
CLAYTON COUNTY
None
CLINTON COUNTY (City of Clinton and
abutting municipalities)
Decision #1A75-4122 (B, H, Hw)
40 FR 32573 - 8/1/75
Mod. #1 - 40 FR 34540 - 8/15/75
COAHUQUON COUNTY
(H, Hw) - See Carroll County
DALLAS COUNTY
None
DAVIES COUNTY
(Hw) - See Appanoose County
DECATUR COUNTY
None
DELAWARE COUNTY
None
DES MOINES COUNTY (City of Burlington
and abutting Municipalities; and
Burlington Ordnance Plant)
Decision #1A75-4123 (B, H, Hw)
40 FR 32576 - 8/1/75
Mod. #1 - 40 FR 34540 - 8/15/75
DICKINSON COUNTY
None
DUBUQUE COUNTY (City of Dubuque and
abutting municipalities)
Decision #1A75-4124 (B, H, Hw)
40 FR 32579 - 8/1/75
Mod. #1 - 40 FR 34541 - 8/15/75
EMMET COUNTY
None
FAYETTE COUNTY
None
FLOYD COUNTY
None
FRANKLIN COUNTY
None
FREMONT COUNTY
Decision #1A75-4054 (Channel Stabilization)
40 FR 8739 - 2/28/75
GREENE COUNTY
None
GRUNDY COUNTY
None

IOWA (Cont'd)

GUTHRIE COUNTY
None
HAMILTON COUNTY
None
HAWOCK COUNTY
None
HARDEN COUNTY
None
HARRISON COUNTY
(Osage, Stab.) - See Fremont Co.
HENRY COUNTY
None
HOWARD COUNTY
(H, Hw) - See Carroll County
HUMBOLDT COUNTY
None
IDA COUNTY
None
IOWA COUNTY
(Hw) - See Benton County
JACKSON COUNTY
None
JASPER COUNTY
None
JEFFERSON COUNTY
(Hw) - See Appanoose County
JOHNSON COUNTY (City of Iowa City and
abutting municipalities)
Decision #1A75-4152 (B, H, Hw)
40 FR 36913 - 8/22/75
(Hw) - See Benton County
JONES COUNTY
None
KEOKUK COUNTY
(Hw) - See Benton County
KOSSUTH COUNTY
None
LEE COUNTY
None
LINN COUNTY
Decision #1A75-4126 (B, H, Hw)
40 FR 33625 - 8/8/75

IOWA (Cont'd.)

LOUISA COUNTY
None

LUCAS COUNTY
None

LYON COUNTY
None

MADISON COUNTY
None

MARIETTA COUNTY
(Hw, Mss) - See Benton County

MARION COUNTY
None

MARSHALL COUNTY
None

MILLS COUNTY
(Channel Stab.) - See Fremont Co.

MITCHELL COUNTY
None

MONROE COUNTY
(Hw, Mss) - See Carroll County
(Channel Stab.) - See Fremont Co.

MORGAN COUNTY
None

MONTGOMERY COUNTY
None

MUSCATINE COUNTY
None

O'BRIEN COUNTY
(Hw, Mss) - See Carroll County

OSCEOLA COUNTY
(Hw, Mss) - See Carroll County

PAGE COUNTY
None

PALO ALTO COUNTY
None

PLYMOUTH COUNTY
None

POCAHONTAS COUNTY
None

POLK COUNTY
Decision #1A75-4153 (B, H, Mss)
40 FR 36916 - 8/22/75

POTTAWATTAMIE COUNTY (City of Council Bluffs and the area within 3 miles from the City Limits)
Decision #1A75-4128 (B, H, Mss)
40 FR 34558 - 8/15/75
(Chann. Stab.) - See Fremont County

IOWA (Cont'd.)

POWESHIEK COUNTY
(Hw, Mss) - See Benton County

PTERIDON COUNTY
(Hw, Mss) - See Carroll County

SAC COUNTY
None

SCOTT COUNTY
Decision #1A75-4129 (B, H, Mss)
40 FR 36910 - 8/22/75

SHELBY COUNTY
None

STOUC COUNTY
None

STORY COUNTY (City of Ames and abutting municipalities)
Decision #1A75-4130 (B, H, Mss)
40 FR 33631 - 8/8/75

TAMA COUNTY
(Hw, Mss) - See Benton County

TAYLOR COUNTY
(Hw, Mss) - See Carroll County

UNION COUNTY
None

VAIR BURCH COUNTY
(Hw, Mss) - See Appanoose County

WAPPELO COUNTY
(Hw, Mss) - See Appanoose County

WARREN COUNTY
None

WASHINGTON COUNTY
(Hw, Mss) - See Benton County

WAYNE COUNTY
None

WEBSTER COUNTY (City of Fort Dodge)
Decision #1A75-4131 (B, H, Mss)
40 FR 33634 - 8/8/75

WINNEBAGO COUNTY
Mod. #1 - 40 FR 36895 - 8/22/75

WINNEBAGO COUNTY
None

MINNESIEUX COUNTY
None

IOWA (Cont'd.)

WOODBURY COUNTY (City of Sioux City and abutting municipalities)
Decision #1A75-4132 (B)
40 FR 33637 - 8/8/75

Mod. #1 - 40 FR 36895 - 8/22/75
(Chann. Stab.) - See Fremont Co.

WORTH COUNTY
None

WRIGHT COUNTY
None

KANSAS (Cont'd.)

CLAY COUNTY
(Hw, Mss) - See Allen County

CLOUD COUNTY
(Hw, Mss) - See Allen County

COFFEY COUNTY
(Hw, Mss) - See Allen County

COMANCHE COUNTY
(Hw, Mss) - See Barber County

COMBEE COUNTY
(Hw, Mss) - See Allen County

CRAWFORD COUNTY
(Hw, Mss) - See Allen County

DECATUR COUNTY
(Hw, Mss) - See Barber County

DICKINSON COUNTY
(Hw, Mss) - See Allen County

DONIPHAN COUNTY
(D) - See Atchison County
(Hw, Mss) - See Allen County

DOUGLAS COUNTY
Decision #K575-4063 (Hw)
40 FR 12041 - 3/14/75

Mod. #1 - 40 FR 19326 - 5/2/75

EDWARDS COUNTY
(Hw, Mss) - See Barber County

ELK COUNTY
(Hw, Mss) - See Allen County

ELLIS COUNTY
(Hw, Mss) - See Barber County

ELLSWORTH COUNTY
(Hw, Mss) - See Barber County

FINNEY COUNTY
(Hw, Mss) - See Barber County

FORD COUNTY
(Hw, Mss) - See Barber County

FRANKLIN COUNTY
(Hw, Mss) - See Allen County

GEARY COUNTY
Decision #A0-88 (R)
38 FR 11791 - 3/29/74

(Hw, Mss) - See Allen County

GUTHRIE COUNTY
(Hw, Mss) - See Barber County

GRAHAM COUNTY
(Hw, Mss) - See Barber County

GRANT COUNTY
(Hw, Mss) - See Barber County

GRAY COUNTY
(Hw, Mss) - See Barber County

GREELEY COUNTY
(Hw, Mss) - See Barber County

GREENWOOD COUNTY
(Hw, Mss) - See Allen County

KANSAS

ALLEN COUNTY
Decision #K575-4051 (Hw, Mss)
40 FR 6056 - 2/17/75

Mod. #1 - 40 FR 7775 - 2/21/75

ANDERSON COUNTY
(Hw, Mss) - See Allen County

ATCHISON COUNTY
Decision #K075-4070 (D)
40 FR 14225 - 3/28/75

(Hw, Mss) - See Allen County

BARBER COUNTY
Decision #K575-4053 (Hw, Mss)
40 FR 6058 - 2/17/75

Mod. #1 - 40 FR 7775 - 2/21/75

BARTON COUNTY
(Hw, Mss) - See Barber County

BOURBON COUNTY
(Hw, Mss) - See Allen County

BROWN COUNTY
(Hw, Mss) - See Allen County

BUTLER COUNTY
(Hw, Mss) - See Allen County

CHASE COUNTY
(Hw, Mss) - See Allen County

CHAUTAUQUA COUNTY
(Hw, Mss) - See Allen County

CHEYENNE COUNTY
(Hw, Mss) - See Allen County

CLARK COUNTY
(Hw, Mss) - See Barber County

(Hw, Mss) - See Barber County

KANSAS (Cont'd.)

HAMILTON COUNTY
(Hw, MBS) - See Barber County

HARPER COUNTY
(Hw, MBS) - See Allen County

HARVEY COUNTY
(Hw, MBS) - See Allen County

HASKELL COUNTY
(Hw, MBS) - See Barber County

HEDGEWATER COUNTY
(Hw, MBS) - See Barber County

JACKSON COUNTY
(Hw, MBS) - See Allen County

JEFFERSON COUNTY
(Hw) - See Douglas County

JEWELL COUNTY
(Hw, MBS) - See Barber County

JOHNSON COUNTY
Decision #M075-4144 (B, H, Hw)
40 FR 32611 - 8/1/75

Decision #M075-4145 (R)
40 FR 32617 - 8/1/75

KEARNEY COUNTY
(Hw, MBS) - See Barber County

KINGMAN COUNTY
(Hw, MBS) - See Allen County

KIOWA COUNTY
(Hw, MBS) - See Barber County

LABETTE COUNTY
(Hw, MBS) - See Allen County

LAKE COUNTY
(Hw, MBS) - See Barber County

LEAVENWORTH COUNTY
Decision #K575-4061 (B)
40 FR 12034 - 3/14/75

Mod. #1 - 40 FR 15271 - 4/4/75

(Hw) - See Douglas County

(D) - See Atchison County

LINCOLN COUNTY
(Hw, MBS) - See Barber County

LINN COUNTY
(Hw, MBS) - See Allen County

LOGAN COUNTY
(Hw, MBS) - See Barber County

KANSAS (Cont'd.)

LYON COUNTY
(Hw, MBS) - See Allen County

MCPherson County
(Hw, MBS) - See Allen County

MARTIN COUNTY
(Hw, MBS) - See Allen County

MCDONALD COUNTY
(Hw, MBS) - See Allen County

MEADE COUNTY
(Hw, MBS) - See Barber County

MIAMI COUNTY
(Hw) - See Douglas County

MITCHELL COUNTY
(Hw, MBS) - See Barber County

MONTGOMERY COUNTY
(Hw, MBS) - See Allen County

MORRIS COUNTY
(Hw, MBS) - See Allen County

MORTON COUNTY
(Hw, MBS) - See Barber County

MEMPHIS COUNTY
(Hw, MBS) - See Allen County

NEOSHO COUNTY
(Hw, MBS) - See Allen County

NESS COUNTY
(Hw, MBS) - See Barber County

MORTON COUNTY
(Hw, MBS) - See Barber County

OSAGE COUNTY
(Hw, MBS) - See Allen County

OSBORNE COUNTY
(Hw, MBS) - See Barber County

OTTAWA COUNTY
(Hw, MBS) - See Allen County

PAWNEE COUNTY
(Hw, MBS) - See Barber County

PHILLIPS COUNTY
(Hw, MBS) - See Barber County

POTTAWATOMIE COUNTY
(Hw, MBS) - See Allen County

PRATT COUNTY
(Hw, MBS) - See Barber County

RAVENS COUNTY
(Hw, MBS) - See Barber County

KANSAS (Cont'd.)

RENO COUNTY
(Hw, MBS) - See Statewide

REPUBLIC COUNTY
(Hw, MBS) - See Allen County

RICE COUNTY
(Hw, MBS) - See Barber County

RILEY COUNTY
(Hw, MBS) - See Allen County

ROCK COUNTY
(R) - See Geary County

ROOKS COUNTY
(Hw, MBS) - See Barber County

RUSH COUNTY
(Hw, MBS) - See Barber County

RUSSELL COUNTY
(Hw, MBS) - See Barber County

SALINE COUNTY
(Hw, MBS) - See Allen County

SCOTT COUNTY
(Hw, MBS) - See Barber County

SEDOWICK COUNTY
Decision #AP-533 (R)
38 FR 16573 - 6/22/73

Decision #K575-4149 (B)
40 FR 36919 - 8/22/75

Decision #K575-4052 (Hw, MBS)
40 FR 6057 - 2/7/75

Mod. #1 - 40 FR 7775 - 2/21/75

SEWARD COUNTY
(Hw, MBS) - See Barber County

SHAWNEE COUNTY
Decision #K575-4150 (B)
40 FR 36922 - 8/22/75

Decision #K575-4151 (R)
40 FR 36925 - 8/22/75

(Hw) - See Douglas County

KANSAS (Cont'd.)

SHERIDAN COUNTY
(Hw, MBS) - See Barber County

SHERMAN COUNTY
(Hw, MBS) - See Barber County

SMITH COUNTY
(Hw, MBS) - See Barber County

STAFFORD COUNTY
(Hw, MBS) - See Barber County

STANTON COUNTY
(Hw, MBS) - See Barber County

STEVENS COUNTY
(Hw, MBS) - See Barber County

SUMNER COUNTY
(Hw, MBS) - See Allen County

THOMAS COUNTY
(Hw, MBS) - See Barber County

TREGO COUNTY
(Hw, MBS) - See Barber County

WABANUSSEE COUNTY
(Hw, MBS) - See Allen County

WALLACE COUNTY
(Hw, MBS) - See Barber County

WASHINGTON COUNTY
(Hw, MBS) - See Allen County

WICHITA COUNTY
(Hw, MBS) - See Barber County

WILSON COUNTY
(Hw, MBS) - See Allen County

WOODSON COUNTY
(Hw, MBS) - See Allen County

WYANDOTT COUNTY
(B, H, Hw, R) - See Johnson County

(D) - See Atchison County

KENTUCKY (Cont'd.)

KENTUCKY (Cont'd.)

KENTUCKY (Cont'd.)

KENTUCKY

ADAIR COUNTY
Decision #AR-4054 (H,HW)
39 FR 39697 - 11/8/74
Mod. #1 - 39 FR 41907 - 12/27/74
Mod. #2 - 40 FR 3085 - 1/17/75
Mod. #3 - 40 FR 22734 - 5/3/75

ALLEN COUNTY
Decision #AR-4053 (H,HW)
39 FR 39694 - 11/8/74
Mod. #1 - 40 FR 3085 - 1/17/75
Mod. #2 - 40 FR 22733 - 5/23/75

ANDERSON COUNTY
Decision #AR-4055 (H,HW)
39 FR 39700 - 11/8/74
Mod. #1 - 40 FR 3086 - 1/17/75
Mod. #2 - 40 FR 22734 - 5/23/75

BALLARD COUNTY
Decision #AR-4013 (D)
39 FR 27397 - 7/26/74
(H,HW) - See Allen County

BARGER COUNTY
(H,HW) - See Adair County

BATH COUNTY
(H,HW) - See Anderson County
Decision #AQ-4066 (B)
39 FR 4305 - 2/1/74

BELL COUNTY
(H,HW) - See Adair County
Decision #AQ-4126 (B)
39 FR 22359 - 6/21/74

BOONE COUNTY
Decision #AR-4056 (H,HW)
39 FR 39703 - 11/8/74
Mod. #1 - 40 FR 3082 - 1/17/75
Mod. #2 - 40 FR 4786 - 1/31/75

Decision #AR-4034 (B)
39 FR 33158 - 9/13/74
Mod. #1 - 40 FR 10877 - 3/7/75
Mod. #2 - 40 FR 25325 - 6/13/75

Decision #IL75-2036 (D)
40 FR 6923 - 2/7/75

BOURBON COUNTY
(H,HW) - See Anderson County
(B) - See Bath County

BOYD COUNTY
Decision #AR-4047 (B)
39 FR 38824 - 11/1/74
Mod. #1 - 40 FR 10878 - 3/7/75
Mod. #2 - 40 FR 15327 - 5/2/75
Mod. #3 - 40 FR 31439 - 7/25/75

(H,HW) - See Anderson County
(D) - See Boone County

BOYLE COUNTY
(H,HW) - See Anderson County

BRACKEN COUNTY
(H,HW) - See Anderson County
(D) - See Boone County

BREATHITT COUNTY
(H,HW) - See Adair County

BRECKINRIDGE COUNTY
Decision #AP-183 (R)
39 FR 11278 - 5/4/73
(H,HW) - See Anderson County
(D) - See Boone County

BULLITT COUNTY
(D) - See Boone County
(H,HW) - See Anderson County
(R) - See Breckinridge County

BUTLER COUNTY
(H,HW) - See Allen County

CALDWELL COUNTY
(H,HW) - See Allen County

CALLOWAY COUNTY
(H,HW) - See Allen County

CAMPBELL COUNTY
(B,H,D,HW) - See Boone County
Decision #AQ-4101 (B)
39 FR 14113 - 4/19/74
Mod. #1 - 39 FR 30665 - 8/23/74
Mod. #2 - 39 FR 38803 - 11/1/74
Mod. #3 - 40 FR 10879 - 3/7/75
Mod. #4 - 40 FR 34541 - 8/15/75

(H,HW) - See Anderson County
(D) - See Boone County

CARTER COUNTY
(H,HW) - See Anderson County

CASEY COUNTY
(H,HW) - See Adair County

CHRISTIAN COUNTY
(H,HW) - See Allen County

CLARK COUNTY
(H,HW) - See Anderson County
(R) - See Bath County

CLAY COUNTY
(H,HW) - See Adair County

CLINTON COUNTY
(H,HW) - See Adair County

CRITTENDEN COUNTY
(H,HW) - See Allen County
(D) - See Boone County

CUMBERLAND COUNTY
(H,HW) - See Adair County

DAVIESS COUNTY
Decision #AQ-4122 (B)
39 FR 20281 - 6/7/74
(H,HW) - See Allen County
(D) - See Boone County

EDMONSON COUNTY
(H,HW) - See Allen County

ELLIS COUNTY
(H,HW) - See Anderson County

ESTILL COUNTY
(H,HW) - See Adair County

FAYETTE COUNTY
Decision #AR-4018 (B)
39 FR 28836 - 8/9/74
Mod. #1 - 39 FR 32442 - 9/5/74
Mod. #2 - 39 FR 40406 - 11/15/74
Mod. #3 - 40 FR 10875 - 3/7/75
Mod. #4 - 40 FR 31438 - 7/25/75

(H,HW) - See Anderson County
(R) - See Bath County

FLEMING COUNTY
(H,HW) - See Anderson County

FLOYD COUNTY
Decision #AR-4002 (B)
39 FR 24777 - 7/5/74
(H,HW) - See Adair County

FRANKLIN COUNTY
Decision #AQ-4101 (B)
39 FR 14113 - 4/19/74
Mod. #1 - 39 FR 30665 - 8/23/74
Mod. #2 - 39 FR 38803 - 11/1/74
Mod. #3 - 40 FR 10879 - 3/7/75
Mod. #4 - 40 FR 34541 - 8/15/75

(H,HW) - See Anderson County
(D) - See Boone County

FULTON COUNTY
(D) - See Ballard County
(H,HW) - See Allen County

GALLATIN COUNTY
(H,HW) - See Anderson County
(D) - See Boone County

GARRARD COUNTY
(H,HW) - See Adair County

GRANT COUNTY
(H,HW) - See Anderson County

GRAVES COUNTY
(H,HW) - See Allen County

GRAYSON COUNTY
(H,HW) - See Anderson County

GREENE COUNTY
(H,HW) - See Adair County

GREENUP COUNTY
(H,HW) - See Anderson County
(D) - See Boone County

HAMMOND COUNTY
(H,HW) - See Allen County
(D) - See Boone County

HANDCOCK COUNTY
(H,HW) - See Allen County
(D) - See Boone County

HARDIN COUNTY
(B) - See Jefferson County
(H,HW) - See Anderson County
(R) - See Breckinridge County
(D) - See Boone County

HASLAN COUNTY
(H,HW) - See Adair County

HARRISON COUNTY
(H,HW) - See Anderson County
(R) - See Bath County

HART COUNTY
(H,HW) - See Adair County
Decision #AR-4025 (B)
39 FR 31795 - 8/30/74
Mod. #1 - 40 FR 10877 - 3/7/75
Mod. #2 - 40 FR 31439 - 7/25/75

(H,HW) - See Allen County
(D) - See Boone County

HENRY COUNTY
(H,HW) - See Anderson County

HICKMAN COUNTY
(H,HW) - See Ballard County
(D) - See Allen County

HOPKINS COUNTY
(H,HW) - See Allen County

JACKSON COUNTY
(H,HW) - See Adair County

JEFFERSON COUNTY
Decision #KY75-1064 (B)
40 FR 26198 - 6/20/75
Mod. #1 - 40 FR 31439 - 7/25/75

(D) - See Boone County
(R) - See Breckinridge County
(H,HW) - See Anderson County

JESSAMINE COUNTY
(H,HW) - See Anderson County
(R) - See Bath County

KENTUCKY (Cont'd.)

JOHNSON COUNTY
(H, Hw) - See Anderson County

KENTON COUNTY
(B, H, Hw, D) - See Boone County

KNOTT COUNTY
(H, Hw) - See Adair County

KNOX COUNTY
(H, Hw) - See Adair County

LARUE COUNTY
(H, Hw) - See Anderson County

LAUREL COUNTY
(H, Hw) - See Adair County

LAWRENCE COUNTY
(H, Hw) - See Anderson County

LEE COUNTY
(H, Hw) - See Adair County

LESLIE COUNTY
(H, Hw) - See Adair County

LETCHER COUNTY
(H, Hw) - See Adair County

LEWIS COUNTY
(H, Hw) - See Anderson County

(D) - See Boone County

LINCOLN COUNTY
(H, Hw) - See Adair County

LIVINGSTON COUNTY
(H, Hw) - See Allen County

(D) - See Boone County

LOGAN COUNTY
(H, Hw) - See Allen County

LYON COUNTY
(H, Hw) - See Allen County

McCRACKEN COUNTY
Decision #K75-1065 (B)
40 FR 26201 - 6/20/75
(D) - See Boone County

(H, Hw) - See Allen County

KENTUCKY (Cont'd.)

McCREARY COUNTY
(H, Hw) - See Adair County

McLEAN COUNTY
(H, Hw) - See Allen County

MADISON COUNTY
(H, Hw) - See Anderson County

(R) - See Bath County

MAGOFFIN COUNTY
(H, Hw) - See Adair County

MARTIN COUNTY
(H, Hw) - See Anderson County

(R) - See Breckinridge County

MARSHALL COUNTY
(H, Hw) - See Allen County

MARTIN COUNTY
(H, Hw) - See Adair County

MASON COUNTY
(H, Hw) - See Anderson County

(D) - See Boone County

MEADE COUNTY
(H, Hw) - See Anderson County

(B) - See Jefferson County

(R) - See Breckinridge County

(D) - See Boone County

MENEFEE COUNTY
(H, Hw) - See Adair County

MERCER COUNTY
(H, Hw) - See Anderson County

METCALFE COUNTY
(H, Hw) - See Adair County

MONROE COUNTY
(H, Hw) - See Adair County

MONTGOMERY COUNTY
(H, Hw) - See Anderson County

(R) - See Bath County

MORGAN COUNTY
(H, Hw) - See Anderson County

MULLENBERG COUNTY
(H, Hw) - See Allen County

KENTUCKY (Cont'd.)

NELSON COUNTY
(H, Hw) - See Anderson County

(R) - See Breckinridge County

NICHOLAS COUNTY
(H, Hw) - See Anderson County

ORIO COUNTY
(H, Hw) - See Allen County

OLDHAM COUNTY
(H, Hw) - See Anderson County

(R) - See Breckinridge County

(D) - See Boone County

OWEN COUNTY
(H, Hw) - See Anderson County

OWSLEY COUNTY
(H, Hw) - See Adair County

PENDLETON COUNTY
(B)(D) - See Boone County

(D) - See Boone County

PERRY COUNTY
(H, Hw) - See Adair County

PIKE COUNTY
(B) - See Floyd County

(H, Hw) - See Adair County

POMELL COUNTY
(H, Hw) - See Adair County

PULASKI COUNTY
(H, Hw) - See Adair County

ROBERTSON COUNTY
(H, Hw) - See Anderson County

ROCKCASTLE COUNTY
(H, Hw) - See Adair County

ROMAN COUNTY
(H, Hw) - See Anderson County

RUSSELL COUNTY
(H, Hw) - See Adair County

SCOTT COUNTY
(H, Hw) - See Anderson County

(R) - See Bath County

SHELBY COUNTY
(H, Hw) - See Anderson County

(R) - See Breckinridge County

KENTUCKY (Cont'd.)

SIMPSON COUNTY
(H, Hw) - See Allen County

SPENCER COUNTY
(H, Hw) - See Anderson County

(R) - See Breckinridge County

TAYLOR COUNTY
(H, Hw) - See Allen County

TODD COUNTY
(H, Hw) - See Allen County

TRIGGS COUNTY
(H, Hw) - See Allen County

TRUMBULL COUNTY
(H, Hw) - See Anderson County

(D) - See Boone County

UNION COUNTY
(H, Hw) - See Allen County

(D) - See Boone County

WARREN COUNTY
Decision #A2-4023 (B)
39 FR 32449 - 9/6/74
Mod. #1 - 40 FR 10876 - 3/7/75
Mod. #2 - 40 FR 31438 - 7/25/75
(H, Hw) - See Allen County

WASHINGTON COUNTY
(H, Hw) - See Anderson County

(R) - See Breckinridge County

WAYNE COUNTY
(H, Hw) - See Adair County

WEBSTER COUNTY
(H, Hw) - See Allen County

WHITLEY COUNTY
(H, Hw) - See Adair County

WOLFE COUNTY
(H, Hw) - See Adair County

WOODFORD COUNTY
(H, Hw) - See Anderson County

(R) - See Bath County

STATEWIDE
Decision #AR-4013 (D)
39 FR 27397 - 7/26/74
Decision #LAJS-4141 (B, Hw, R)
40 FR 32585 - 8/1/75
Mod. #1 - 40 FR 34541 - 8/15/75
Mod. #2 - 40 FR 36895 - 8/22/75

ACADIA PARISH
Decision #AR75-5074 (F)
40 FR 26109 - 6/20/75
(B, D, Hw) - See Statewide

ALLEN PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide

ASCENSION PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide

ASSUMPTION PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide

AUDUELLES PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide

BEAUREGARD PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide

BIENVILLE PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide

BOSSIER PARISH
(F) - See Acadia Parish
(B, D, Hw, R) - See Statewide

CADDO PARISH
(F) - See Acadia Parish
(B, D, Hw, R) - See Statewide

CALCASIEU PARISH
(F) - See Acadia Parish
(B, D, Hw, R) - See Statewide

CALIBRELL PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide

CAMERON PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide

CATAHOULA PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide

CLAIBORNE PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide

CONCORDIA PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide

DE SOTO PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide

EAST BATON ROUGE PARISH
(B, D, Hw) - See Statewide

EAST CARROLL PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide

EAST FELICIANA PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide

EVANGELINE PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide

FRANKLIN PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide

GRANT PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide

IBERIA PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide

IBERVILLE PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide

JACKSON COUNTY
(F) - See Acadia Parish
(B, D, Hw) - See Statewide

JEFFERSON PARISH
Decision #AR-3 (R)
39 FR 25777 - 7/12/74
(F) - See Acadia Parish
(B, D, Hw) - See Statewide

JEFFERSON DAVIS PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide

LAFAYETTE PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide

LAFORDE PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide

LA SALLE PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide

LINCOLN PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide

LIVINGSTON PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide

MADISON PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide

MOREHOUSE PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide

NATCHITOCHES PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide

ORLEANS PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide

OUACHITA PARISH
Decision #AQ-116 (R)
39 FR 22397 - 5/21/74
(B, D, Hw) - See Statewide

PLAYDELINES PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide

POINTE COUPEE PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide

RAPIDES PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide

RED RIVER PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide

RIDGELAND PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide

SABINE PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide

ST. BERNARD PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide

ST. CHARLES PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide

ST. HELENA PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide

ST. JAMES PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide

ST. JOHN THE BAPTIST PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide

ST. LANDRY PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide

ST. MARTIN PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide

ST. MARY PARISH
(F) - See Acadia Parish
(B, D) - See Statewide

LOUISIANA (Cont'd.)

ST. TAMMANY PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
TANGIPAHOA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
TENSAS PARISH
(F) - See Acadia Parish
(B,Hw,D) - See Statewide
TERREBOUNE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
UNION PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
VERMILION PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
VERMOR PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WASHINGTON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WEBSTER PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WEST BATON ROUGE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WEST CARROLL PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WEST FELICIANA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
MINN PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide

MAINE

ANDROSCOGGIN COUNTY
None
AROSTOOK COUNTY
None
CUMBERLAND COUNTY
Decision #CT75-5045 (D)
40 FR 15294 - 4/4/75
FRANKLIN COUNTY
None
HAWKOCK COUNTY
(D) - See Cumberland County
KENNEBEC COUNTY
None
KNOX COUNTY
(D) - See Cumberland County
LINCOLN COUNTY
(D) - See Cumberland County
OLDFORD COUNTY
None
PENOBSCOT COUNTY
None
PISCATAQUIS COUNTY
None
SAGadahoc COUNTY
(D) - See Cumberland County
Somerset County
None
WALDO COUNTY
(D) - See Cumberland County
WASHINGTON COUNTY
(D) - See Cumberland County
YORK COUNTY
(D) - See Cumberland County

MARYLAND

ALLEGANY COUNTY
Decision #AR-2091 (B)
39 FR 41651 - 11/29/74
Mod. #1 - 40 FR 928 - 1/3/75
Decision #AR-2084 (H,Hw)
39 FR 41125 - 11/22/74
ANNE ARUNDEL COUNTY
Decision #MD75-3008 (D)
40 FR 3094 - 1/17/75
Mod. #1 - 40 FR 14204 - 3/28/75
Decision #AR-2086 (B,H)
39 FR 41127 - 11/22/74
Mod. #1 - 40 FR 928 - 1/3/75
Mod. #2 - 40 FR 14204 - 3/28/75
Mod. #3 - 40 FR 14460 - 4/18/75
Decision #AR-2085 (Hw)
39 FR 41100 - 11/22/74
BALTIMORE CITY
Decision #MD75-3055 (Hw)
40 FR 30413 - 7/18/75
Decision #MD75-3054 (B,H)
40 FR 27431 - 6/27/75
Decision #AQ-2072 (R)
39 FR 8122 - 3/1/74
Decision #CT75-5045 (D)
40 FR 15294 - 4/4/75
BALTIMORE COUNTY
Decision #AR-2052 (Hw)
39 FR 34904 - 9/27/74
Mod. #1 - 40 FR 27405 - 6/27/75
(B,Hw) - See Baltimore City
CALVERT COUNTY
(D,Hw) - See Anne Arundel County
CAROLINE COUNTY
Decision #MD75-3052 (Hw)
40 FR 20555 - 5/9/75
(Hw) - See Anne Arundel County
CARROLL COUNTY
(Hw) - See Anne Arundel County
CECIL COUNTY
(Hw) - See Caroline County
(R) - See Baltimore County
CHARLES COUNTY
(D,Hw) - See Anne Arundel County
DORCHESTER COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
FREDERICK COUNTY
Decision #AQ-2076 (R)
39 FR 10069 - 3/15/74
Mod. #1 - 40 FR 15272 - 4/4/75
(Hw) - See Anne Arundel County
GARBETT COUNTY
(B,H,Hw) - See Allegany County

MARYLAND (Cont'd.)

HARFORD COUNTY
(B,Hw) - See Baltimore City
(Hw) - See Anne Arundel County
HOMER COUNTY
(B,H) - See Baltimore City
(R) - See Baltimore County
(Hw) - See Anne Arundel City
KENT COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
MONTGOMERY COUNTY
Decision #MD75-3052 (B)
40 FR 26203 - 6/20/75
(Hw) - See Anne Arundel County
PRINCE GEORGES COUNTY
(B) - See Montgomery County
(D,Hw) - See Anne Arundel County
QUEEN ANNES COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
ST. MARYS COUNTY
(D,Hw) - See Anne Arundel County
Somerset County
(Hw) - See Caroline County
(D) - See Anne Arundel County
TALBOT COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
WASHINGTON COUNTY
(Hw) - See Anne Arundel County
WICOMICO COUNTY
Decision #AQ-2075 (R)
39 FR 10068 - 3/15/74
Mod. #1 - 39 FR 14549 - 4/26/74
(D) - See Anne Arundel County
(Hw) - See Caroline County
WORCESTER COUNTY
(D) - See Baltimore County
(Hw) - See Caroline County
Decision #AR-2012 (B)
39 FR 27991 - 8/2/74

MICHIGAN (Cont'd.)

BERKLEY COUNTY
 Decision #M175-2036 (B, H, W, R, & Marine)
 40 FR 20557 - 5/9/75
 Mod. #1 - 40 FR 27407 - 6/27/75
 Mod. #2 - 40 FR 34542 - 8/15/75
 Decision #M175-2045 (D)
 40 FR 15294 - 4/4/75

BERKLEY COUNTY
 Decision #M175-2070 (B, H, W, R)
 40 FR 20581 - 5/9/75
 Mod. #1 - 40 FR 27408 - 6/27/75
 Mod. #2 - 40 FR 34542 - 8/15/75

BRISTOL COUNTY
 Decision #M175-2071 (B, H, W, R, & Marine)
 40 FR 19335 - 5/2/75
 Mod. #1 - 40 FR 27409 - 6/27/75
 Mod. #2 - 40 FR 34542 - 8/15/75
 (D) - See Barnstable County

DUXES COUNTY
 (D) - See Barnstable County

ESSEX COUNTY
 Decision #M175-2072 (B, H, W, R, & Marine)
 40 FR 18305 - 4/25/75
 Mod. #1 - 40 FR 27410 - 6/27/75
 (D) - See Barnstable County

FRANKLIN COUNTY
 Decision #M175-2006 (B, H, W, R)
 40 FR 3112 - 1/17/75
 Mod. #1 - 40 FR 2777 - 2/21/75
 Mod. #2 - 40 FR 18277 - 4/25/75
 Mod. #3 - 40 FR 27405 - 6/27/75
 Mod. #4 - 40 FR 34543 - 8/15/75

HAMPSHIRE COUNTY
 Decision #M175-2053 (B, H, W, R)
 40 FR 12051 - 3/14/75
 Mod. #1 - 40 FR 19327 - 5/2/75
 Mod. #2 - 40 FR 28307 - 7/3/75
 Mod. #3 - 40 FR 34543 - 8/15/75
 Decision #M175-2054 (R)
 40 FR 15297 - 4/4/75

HAMPSHIRE COUNTY
 Decision #M175-2008 (B, H, W, R)
 40 FR 3121 - 1/17/75
 Mod. #1 - 40 FR 2778 - 2/21/75
 Mod. #2 - 40 FR 19327 - 5/2/75
 Mod. #3 - 40 FR 28305 - 7/3/75
 Mod. #4 - 40 FR 36896 - 8/22/75

MIDDLESEX COUNTY
 Decision #M175-2073 (B, H, W, R, & Marine)
 40 FR 19340 - 5/2/75
 Mod. #1 - 40 FR 27412 - 6/27/75
 Mod. #2 - 40 FR 36896 - 8/22/75
 (D) - See Barnstable County

NANTUCKET COUNTY
 (D) - See Barnstable County

MICHIGAN

STATEN ISLAND
 Decision #M175-2036 (B, H, W, R)
 40 FR 30415 - 7/18/75

ALCONA COUNTY
 Decision #M175-2103 (B, H)
 40 FR 36928 - 8/22/75
 Decision #M175-2079 (D)
 40 FR 29490 - 4/11/75
 Mod. #1 - 40 FR 32552 - 8/1/75
 Mod. #2 - 40 FR 40006 - 8/29/75
 (H, W, R) - See Statewide

ALGER COUNTY
 Decision #M175-2104 (B, H)
 40 FR 36932 - 8/22/75
 (D) - See Alcona County
 (H, W, R) - See Statewide

ALLEGAN COUNTY
 Decision #M175-2108 (B, H)
 40 FR 40016 - 8/29/75
 Decision #M175-2109 (R)
 36 FR 15891 - 8/18/71
 (H, W, R) - See Statewide
 (D) - See Alcona County

ALPENA COUNTY
 (B, H) - See Alcona County
 (H, W, R) - See Statewide

ANTRIM COUNTY
 (D) - See Alcona County
 (H, W, R) - See Statewide

ARETHA COUNTY
 (D) - See Alcona County
 (H, W, R) - See Statewide

BADSGA COUNTY
 (B, H) - See Alger County
 (D) - See Alcona County
 (H, W, R) - See Statewide

BARRY COUNTY
 (H, W, R) - See Statewide

BAY COUNTY
 Decision #M175-2061 (B, H)
 40 FR 17511 - 4/18/75
 Mod. #1 - 40 FR 19328 - 5/2/75
 (D) - See Alcona County
 (H, W, R) - See Statewide

BENZIE COUNTY
 (D) - See Alcona County
 (H, W, R) - See Statewide

BENJIE COUNTY
 (D) - See Alcona County
 (H, W, R) - See Statewide

MASSACHUSETTS

WORTHINGTON COUNTY
 Decision #M175-2074 (B, H, W, R)
 40 FR 20596 - 5/9/75
 Mod. #1 - 40 FR 27413 - 6/27/75
 Mod. #2 - 40 FR 36896 - 8/22/75
 (D) - See Barnstable County

PLYMOUTH COUNTY
 Decision #M175-2075 (B, H, W, R)
 40 FR 20590 - 5/9/75
 Mod. #1 - 40 FR 27413 - 6/27/75
 Mod. #2 - 40 FR 36896 - 8/22/75
 SUFFOLK COUNTY
 Decision #M175-2076 (B, H, W, R, & Marine)
 40 FR 20595 - 5/9/75
 Mod. #1 - 40 FR 27413 - 6/27/75
 Mod. #2 - 40 FR 27414 - 6/27/75
 Mod. #3 - 40 FR 36897 - 8/22/75

WORCESTER COUNTY
 Decision #M175-2077 (B, H, W, R)
 40 FR 21660 - 5/16/75
 Mod. #1 - 40 FR 27415 - 6/27/75
 Mod. #2 - 40 FR 36897 - 8/22/75

MASSACHUSETTS

BARNSTABLE COUNTY
 Decision #M175-2069 (B, H, W, R, & Marine)
 40 FR 20557 - 5/9/75
 Mod. #1 - 40 FR 27407 - 6/27/75
 Mod. #2 - 40 FR 34542 - 8/15/75
 Decision #M175-2045 (D)
 40 FR 15294 - 4/4/75

BERKSHIRE COUNTY
 Decision #M175-2070 (B, H, W, R)
 40 FR 20581 - 5/9/75
 Mod. #1 - 40 FR 27408 - 6/27/75
 Mod. #2 - 40 FR 34542 - 8/15/75

BRISTOL COUNTY
 Decision #M175-2071 (B, H, W, R, & Marine)
 40 FR 19335 - 5/2/75
 Mod. #1 - 40 FR 27409 - 6/27/75
 Mod. #2 - 40 FR 34542 - 8/15/75
 (D) - See Barnstable County

DUXES COUNTY
 (D) - See Barnstable County

ESSEX COUNTY
 Decision #M175-2072 (B, H, W, R, & Marine)
 40 FR 18305 - 4/25/75
 Mod. #1 - 40 FR 27410 - 6/27/75
 (D) - See Barnstable County

FRANKLIN COUNTY
 Decision #M175-2006 (B, H, W, R)
 40 FR 3112 - 1/17/75
 Mod. #1 - 40 FR 2777 - 2/21/75
 Mod. #2 - 40 FR 18277 - 4/25/75
 Mod. #3 - 40 FR 27405 - 6/27/75
 Mod. #4 - 40 FR 34543 - 8/15/75

HAMPSHIRE COUNTY
 Decision #M175-2053 (B, H, W, R)
 40 FR 12051 - 3/14/75
 Mod. #1 - 40 FR 19327 - 5/2/75
 Mod. #2 - 40 FR 28307 - 7/3/75
 Mod. #3 - 40 FR 34543 - 8/15/75
 Decision #M175-2054 (R)
 40 FR 15297 - 4/4/75

HAMPSHIRE COUNTY
 Decision #M175-2008 (B, H, W, R)
 40 FR 3121 - 1/17/75
 Mod. #1 - 40 FR 2778 - 2/21/75
 Mod. #2 - 40 FR 19327 - 5/2/75
 Mod. #3 - 40 FR 28305 - 7/3/75
 Mod. #4 - 40 FR 36896 - 8/22/75

MIDDLESEX COUNTY
 Decision #M175-2073 (B, H, W, R, & Marine)
 40 FR 19340 - 5/2/75
 Mod. #1 - 40 FR 27412 - 6/27/75
 Mod. #2 - 40 FR 36896 - 8/22/75
 (D) - See Barnstable County

NANTUCKET COUNTY
 (D) - See Barnstable County

MINNESOTA (Cont'd.)

MINNESOTA (Cont'd.)

MINNESOTA (Cont'd.)

MINNESOTA

- AITKIN COUNTY
 Decision #M75-2063 (H, W)
 Mod. #1 - 40 FR 34547 - 8/15/75
 ANOKA COUNTY
 Decision #M8-3166 (B, R)
 39 FR 39705 - 11/19/74
 Mod. #1 - 40 FR 12007 - 3/14/75
 Mod. #2 - 40 FR 17461 - 4/18/75
 Mod. #3 - 40 FR 22734 - 5/23/75
 Mod. #4 - 40 FR 34543 - 8/15/75
 (H, W) - See Aitkin County
 BECKER COUNTY
 Decision #M9-3104 (H, W)
 38 FR 9369 - 3/8/74
 BELTRAMI COUNTY
 Decision #M8-3147 (H, W)
 39 FR 36704 - 10/11/74
 BENTON COUNTY
 (H, W) - See Aitkin County
 BIG STONE COUNTY
 Decision #M9-3105 (H, W)
 39 FR 9370 - 3/8/74
 BLUE EARTH COUNTY
 (H, W) - See Aitkin County
 BROWN COUNTY
 None
 CARLTON COUNTY
 (H, W) - See Aitkin County
 CARRIER COUNTY
 (B, R) - See Anoka County
 (H, W) - See Aitkin County
 CASS COUNTY
 (H, W) - See Becker County
 CHIPPEWA COUNTY
 (H, W) - See Big Stone County
 CHISAGO COUNTY
 (H, W) - See Aitkin County
 CLAY COUNTY
 (H, W) - See Becker County
 CLEAR WATER COUNTY
 (H, W) - See Beltrami County
 COOK COUNTY
 Decision #M75-5079 (D)
 40 FR 29490 - 7/11/75
 Mod. #1 - 40 FR 32552 - 8/1/75
 Mod. #2 - 40 FR 40006 - 8/29/75
 (H, W) - See Aitkin County
 COTTONWOOD COUNTY
 Decision #M9-3134 (H, W)
 39 FR 935 - 3/8/74
 CROW WING COUNTY
 (H, W) - See Aitkin County
 DAKOTA COUNTY
 (B, R) - See Anoka County
 (H, W) - See Aitkin County
 DODGE COUNTY
 (H, W) - See Aitkin County
 DOUGLAS COUNTY
 (H, W) - See Big Stone County
 FAIRMOUNT COUNTY
 (H, W) - See Aitkin County
 FILLMORE COUNTY
 (H, W) - See Aitkin County
 FREEBORN COUNTY
 (H, W) - See Aitkin County
 GOODHUE COUNTY
 (H, W) - See Aitkin County
 GRANT COUNTY
 (H, W) - See Big Stone County
 HENNEPIN COUNTY
 (B, R) - See Anoka County
 (H, W) - See Aitkin County
 HOUSTON COUNTY
 (H, W) - See Aitkin County
 HUBBARD COUNTY
 (H, W) - See Becker County
 ISANTI COUNTY
 (H, W) - See Aitkin County
 ITASKA COUNTY
 (H, W) - See Aitkin County
 JACKSON COUNTY
 (H, W) - See Aitkin County
 KANABEC COUNTY
 (H, W) - See Aitkin County
 KANDIYOH COUNTY
 (H, W) - See Big Stone County
 KITTSON COUNTY
 (H, W) - See Beltrami County
 KOOCHIC COUNTY
 (H, W) - See Aitkin County
 LAC QUI PARLE COUNTY
 (H, W) - See Big Stone County
 LAKE COUNTY
 (H, W) - See Aitkin County
 (D) - See Cook County
 LAKE OF THE WOODS COUNTY
 (H, W) - See Beltrami County
 LE SUEUR COUNTY
 (H, W) - See Aitkin County
 LINCOLN COUNTY
 (H, W) - See Cottonwood County
 LYNX COUNTY
 (H, W) - See Cottonwood County
 MCLEOD COUNTY
 (H, W) - See Aitkin County
 MARSHEN COUNTY
 (H, W) - See Beltrami County
 MERRILL COUNTY
 (H, W) - See Aitkin County
 MEeker COUNTY
 (H, W) - See Aitkin County
 MILLE LACS COUNTY
 (H, W) - See Aitkin County
 MORRISON COUNTY
 (H, W) - See Aitkin County
 MOWER COUNTY
 (H, W) - See Aitkin County
 MURRAY COUNTY
 (H, W) - See Cottonwood County
 NICOLLET COUNTY
 (H, W) - See Aitkin County
 NOBLES COUNTY
 (H, W) - See Aitkin County
 NORMAN COUNTY
 (H, W) - See Beltrami County
 OLUSTEAD COUNTY
 Decision #M75-2058 (B, R)
 40 FR 17454 - 4/18/75
 Mod. #1 - 40 FR 34546 - 8/15/75
 (H, W) - See Aitkin County
 OTTER TAIL COUNTY
 (H, W) - See Becker County
 PENNINGTON COUNTY
 (H, W) - See Beltrami County
 PINE COUNTY
 (H, W) - See Aitkin County
 PIPESTONE COUNTY
 (H, W) - See Cottonwood County
 POLK COUNTY
 (H, W) - See Beltrami County
 POPE COUNTY
 (H, W) - See Big Stone County
 RAMSEY COUNTY
 (B, R) - See Anoka County
 (H, W) - See Aitkin County
 RED LAKE COUNTY
 (H, W) - See Beltrami County
 REDWOOD COUNTY
 (H, W) - See Cottonwood County
 RENVILLE COUNTY
 None
 RICE COUNTY
 (H, W) - See Aitkin County
 ROCK COUNTY
 (H, W) - See Aitkin County
 ROSEAU COUNTY
 (H, W) - See Beltrami County
 SAINT LOUIS COUNTY
 (D) - See Cook County
 (H, W) - See Aitkin County
 Decision #M75-2042 (B, R)
 40 FR 7837 - 2/21/75
 Mod. #1 - 40 FR 12007 - 3/14/75
 Mod. #2 - 40 FR 18278 - 4/25/75
 Mod. #3 - 40 FR 34544 - 8/15/75
 SCOTT COUNTY
 (H, W) - See Aitkin County
 (B, R) - See Anoka County
 SHERBURNE COUNTY
 (H, W) - See Aitkin County
 SIBLEY COUNTY
 (H, W) - See Aitkin County
 STEARNS COUNTY
 Decision #M75-2059 (B, R)
 40 FR 16472 - 4/11/75
 Mod. #1 - 40 FR 18279 - 4/25/75
 Mod. #2 - 40 FR 34551 - 8/15/75
 (H, W) - See Aitkin County
 STEELE COUNTY
 (H, W) - See Aitkin County
 STEVENS COUNTY
 (H, W) - See Big Stone County
 SKIFT COUNTY
 (H, W) - See Big Stone County
 TODD COUNTY
 (H, W) - See Becker County
 TRAVERSE COUNTY
 (H, W) - See Big Stone County
 WABASHA COUNTY
 (H, W) - See Aitkin County
 WADENA COUNTY
 (H, W) - See Becker County
 WASECA COUNTY
 (H, W) - See Aitkin County
 WASHINGTON COUNTY
 (B, R) - See Anoka County
 (H, W) - See Aitkin County
 WATONWAN COUNTY
 None
 WILKIN COUNTY
 (H, W) - See Becker County
 WINONA COUNTY
 (H, W) - See Aitkin County
 WRIGHT COUNTY
 (H, W) - See Aitkin County
 YELLOW MEDICINE COUNTY
 (H, W) - See Cottonwood County

MISSISSIPPI

STATEWIDE

- Decision #A2-4013 (D)
39 FR 27397 - 7/26/74
Decision #A275-5074 (F)
40 FR 26189 - 6/20/75
Decision #MS75-1067 (Hw, MS)
40 FR 28354 - 7/3/75
Mod. #1 - 40 FR 31439 - 7/25/75
Mod. #2 - 40 FR 33577 - 8/6/75
- ADAMS COUNTY
(D, F, Hw, MS) - See Statewide
- ALCONIN COUNTY
(D, F, Hw, MS) - See Statewide
- AMITE COUNTY
(D, F, Hw, MS) - See Statewide
- ATTALA COUNTY
(D, F, Hw, MS) - See Statewide
- BENTON COUNTY
(D, F, Hw, MS) - See Statewide
- BOLIVAR COUNTY
(D, F, Hw, MS) - See Statewide
- CALHOUN COUNTY
(D, F, Hw, MS) - See Statewide
- CARROLL COUNTY
(D, F, Hw, MS) - See Statewide
- CHICKASAW COUNTY
(D, F, Hw, MS) - See Statewide
- CHOCTAW COUNTY
(D, F, Hw, MS) - See Statewide
- CLAIBORNE COUNTY
(D, F, Hw, MS) - See Statewide
- CLARK COUNTY
(D, F, Hw, MS) - See Statewide
- CLAY COUNTY
(Hw, MS) - See Statewide
- COAHOMA COUNTY
Decision #A2-4024 (R)
39 FR 31771 - 8/30/74
Mod. #1 - 40 FR 3086 - 1/17/75
(D, F, Hw, MS) - See Statewide
- COPIAH COUNTY
Decision #A2-4129 (R)
39 FR 20302 - 5/7/74
(D, F, Hw, MS) - See Statewide

MISSISSIPPI (Cont'd.)

CONVINGTON COUNTY

- (D, Hw, F, MS) - See Statewide
- DE SOTO COUNTY
(D, F, Hw, MS) - See Statewide
- FOREST COUNTY
Decision #MS75-1076 (R)
40 FR 36935 - 8/22/75
Decision #MS75-1020 (B)
40 FR 5966 - 2/7/75
Mod. #1 - 40 FR 7793 - 2/21/75
(D, F, Hw, MS) - See Statewide
- FRANKLIN COUNTY
(D, F, Hw, MS) - See Statewide
- GEORGE COUNTY
Decision #MS75-1077 (R)
40 FR 36935 - 8/22/75
(D, F, Hw, MS) - See Statewide
- GREENE COUNTY
(D, F, Hw, MS) - See Statewide
- GREENADA COUNTY
(D, F, Hw, MS) - See Statewide
- HANCOCK COUNTY
Decision #MS75-1013 (B, Hw, MS)
40 FR 4854 - 1/31/75
Mod. #1 - 40 FR 29448 - 7/11/75
Mod. #2 - 40 FR 33577 - 8/6/75
(D, F) - See Statewide
(R) - See George County
- HARRISON COUNTY
(B, Hw, MS) - See Hancock County
(R) - See George County
(D, F) - See Statewide

MISSISSIPPI (Cont'd.)

HINDS COUNTY

- Decision #A2-4030 (B)
39 FR 32454 - 9/6/74
Mod. #1 - 39 FR 36805 - 11/1/74
Mod. #2 - 39 FR 41658 - 11/29/74
Mod. #3 - 40 FR 16479 - 4/11/75
(D, F, Hw, MS) - See Statewide
(R) - See Copiah County
- HOLMES COUNTY
(D, F, Hw, MS) - See Statewide
- HUNTER COUNTY
(D, F, Hw, MS) - See Statewide
- ISSAQUENA COUNTY
(D, F, Hw, MS) - See Statewide
- ITAMAMBA COUNTY
(D, F, Hw, MS) - See Statewide
- JACKSON COUNTY
(D, F) - See Statewide
(B, Hw, MS) - See Hancock County
(R) - See George County
- JASPER COUNTY
(D, F, Hw, MS) - See Statewide
- JEFFERSON COUNTY
(D, F, Hw, MS) - See Statewide
- JEFFERSON DAVIS COUNTY
(D, F, Hw, MS) - See Statewide
- JONES COUNTY
(D, F, Hw, MS) - See Statewide
(R) - See Forest County
- KEMPER COUNTY
(D, F, Hw, MS) - See Statewide
- LAFAYETTE COUNTY
(D, F, Hw, MS) - See Statewide

MISSISSIPPI (cont'd.)

LAMAR COUNTY

- (D, F, Hw, MS) - See Statewide
- LAUDERDALE COUNTY
(D, F, Hw, MS) - See Statewide
- LAURENCE COUNTY
(D, F, Hw, MS) - See Statewide
- LEAKE COUNTY
(D, F, Hw, MS) - See Statewide
(R) - See Copiah County
- LEE COUNTY
(D, F, Hw, MS) - See Statewide
- LEFLORE COUNTY
(D, F, Hw, MS) - See Statewide
- LINCOLN COUNTY
(D, F, Hw, MS) - See Statewide
- LOWNDES COUNTY
(D, F, Hw, MS) - See Statewide
- MADISON COUNTY
(D, F, Hw, MS) - See Statewide
(R) - See Copiah County
- MARION COUNTY
(D, F, Hw, MS) - See Statewide
- MARSHALL COUNTY
(D, F, Hw, MS) - See Statewide
- MONROE COUNTY
(D, F, Hw, MS) - See Statewide
- MONTGOMERY COUNTY
(D, F, Hw, MS) - See Statewide

MISSOURI

STATEWIDE
Decision #0075-4146 (H, HW)
40 FR 32662 - 8/17/75

ADAIR COUNTY
(H, HW) - See Statewide

ANDREW COUNTY
Decision #0075-4070 (D)
40 FR 14225 - 3/28/75
(H, HW) - See Statewide

ATCHISON COUNTY
(D) - See Andrew County
(H, HW) - See Statewide

AUDRAIN COUNTY
(H, HW) - See Statewide

BARRY COUNTY
(HW) - See Statewide

BARTON COUNTY
(H, HW) - See Statewide

BATES COUNTY
(H, HW) - See Statewide

BENTON COUNTY
(H, HW) - See Statewide

BOLLINGER COUNTY
(H, HW) - See Statewide

BOONE COUNTY
(H, HW) - See Statewide

BUCHANAN COUNTY
(D) - See Andrew County
(H, HW) - See Statewide

BUTLER COUNTY
(HW) - See Statewide

CALDWELL COUNTY
(H, HW) - See Statewide

CALLAWAY COUNTY
(D) - See Andrew County
(H, HW) - See Statewide

CAYDEN COUNTY
(H, HW) - See Statewide

CAPE GIRARDEAU COUNTY
Decision #1175-2036 (D)
40 FR 6023 - 2/7/75
(H, HW) - See Statewide

CARROLL COUNTY
(D) - See Andrew County
(H, HW) - See Statewide

CARTER COUNTY
(HW) - See Statewide

MISSISSIPPI (Cont'd.)

NATHALL COUNTY
(D, F, HW, WBS) - See Statewide

WABBER COUNTY
Decision #0075-1044 (B)
40 FR 16530 - 4/11/75
(D, F, HW, WBS) - See Statewide

WASHINGTON COUNTY
Decision #00-4072 (B)
39 FR 5933 - 2/15/74
(D, F, HW, WBS) - See Statewide

WAYNE COUNTY
(D, F, HW, WBS) - See Statewide

WEBSTER COUNTY
(D, F, HW, WBS) - See Statewide

WILKINSON COUNTY
(D, F, HW, WBS) - See Statewide

WINSTON COUNTY
(D, F, HW, WBS) - See Statewide

YALOBUSHA COUNTY
(D, F, HW, WBS) - See Statewide

YAZOO COUNTY
(D, F, HW, WBS) - See Statewide

(R) - See Copiah County

MISSISSIPPI (Cont'd.)

SCOTT COUNTY
(D, F, HW, WBS) - See Statewide

SHARKEY COUNTY
(D, F, HW, WBS) - See Statewide

SIMPSON COUNTY
(D, F, HW, WBS) - See Statewide

SMITH COUNTY
(D, F, HW, WBS) - See Statewide

STONE COUNTY
(D, F, HW, WBS) - See Statewide

SUNFLOWER COUNTY
(D, F, HW, WBS) - See Statewide

TALLAHATCHIE COUNTY
(D, F, HW, WBS) - See Statewide

TATE COUNTY
(D, F, HW, WBS) - See Statewide

TIPPACH COUNTY
(D, F, HW, WBS) - See Statewide

TISHOMINGO COUNTY
(D, F, HW, WBS) - See Statewide

TUNICA COUNTY
(D, F, HW, WBS) - See Statewide

UNION COUNTY
(D, F, HW, WBS) - See Statewide

MISSISSIPPI (Cont'd.)

WESCHUA COUNTY
(D, F, HW, WBS) - See Statewide

WEAVER COUNTY
(D, F, HW, WBS) - See Statewide

WILKES COUNTY
(D, F, HW, WBS) - See Statewide

OKTIBBEHA COUNTY
(D, F, HW, WBS) - See Statewide

PANOLA COUNTY
(D, F, HW, WBS) - See Statewide

PEARL RIVER COUNTY
(D, F) - See Statewide

PERCY COUNTY
(D, F, HW, WBS) - See Statewide

PIKE COUNTY
(D, F, HW, WBS) - See Statewide

PONTOTOC COUNTY
(D, F, HW, WBS) - See Statewide

PRETISS COUNTY
(D, F, HW, WBS) - See Statewide

QUINCY COUNTY
(D, F, HW, WBS) - See Statewide

RANKIN COUNTY
(D, F, HW, WBS) - See Statewide

(R) - See Copiah County

MISSOURI (Cont'd)

CASS COUNTY
Decision #075-4144 (B, H, Hw)
40 FR 32611 - 8/17/75
Decision #075-4145 (R)
40 FR 32617 - 8/17/75
(H, Hw) - See Statewide
CEDAR COUNTY
(H, Hw) - See Statewide
CHARITON COUNTY
(D) - See Andrew County
(H, Hw) - See Statewide
CHRISTIAN COUNTY
(H, Hw) - See Statewide
CLARK COUNTY
(H, Hw) - See Statewide
CLAY COUNTY
(B, R) - See Cass County
(D) - See Andrew County
(H, Hw) - See Statewide
CLINTON COUNTY
(H, Hw) - See Statewide
COLE COUNTY
(H, Hw) - See Statewide
(D) - See Andrew County
(H, Hw) - See Statewide
COOPER COUNTY
(D) - See Andrew County
(H, Hw) - See Statewide
CRAWFORD COUNTY
(H, Hw) - See Statewide
DAGE COUNTY
(H, Hw) - See Statewide
DALLAS COUNTY
(H, Hw) - See Statewide
DAVIESS COUNTY
(H, Hw) - See Statewide
DE KALB COUNTY
(H, Hw) - See Statewide
DENT COUNTY
(H, Hw) - See Statewide
DOUGLAS COUNTY
(H, Hw) - See Statewide
DUNKLIN COUNTY
(H, Hw) - See Statewide
FRANKLIN COUNTY
Decision #075-4143 (B)
40 FR 32608 - 8/17/75
Decision #075-4142 (R)
40 FR 32605 - 8/17/75
(D) - See Andrew County
(H, Hw) - See Statewide
GASCONADE COUNTY
(D) - See Andrew County
(H, Hw) - See Statewide
GENESEE COUNTY
(H, Hw) - See Statewide
GREENE COUNTY
(H, Hw) - See Statewide

MISSOURI (Cont'd)

GRANT COUNTY
(H, Hw) - See Statewide
HARRISON COUNTY
(H, Hw) - See Statewide
HENRY COUNTY
(H, Hw) - See Statewide
HICKORY COUNTY
(H, Hw) - See Statewide
HOLT COUNTY
(D) - See Andrew County
(H, Hw) - See Statewide
HOWARD COUNTY
(D) - See Andrew County
(H, Hw) - See Statewide
HOWELL COUNTY
(H, Hw) - See Statewide
IRON COUNTY
(H, Hw) - See Statewide
JACKSON COUNTY
(B, R) - See Cass County
(D) - See Andrew County
(H, Hw) - See Statewide
JASPER COUNTY
None
JEFFERSON COUNTY
(D) - See Cape Girardeau County
(H, Hw) - See Statewide
JOHNSON COUNTY
(H, Hw) - See Statewide
KNOX COUNTY
(H, Hw) - See Statewide
LACLEDE COUNTY
(H, Hw) - See Statewide
LAFAYETTE COUNTY
(H, Hw) - See Statewide
(D) - See Andrew County
LAMAR COUNTY
(H, Hw) - See Statewide
LEXINGTON COUNTY
(H, Hw) - See Statewide
LINCOLN COUNTY
(B, R) - See Franklin County
(H, Hw) - See Statewide
LINN COUNTY
(H, Hw) - See Statewide
LIVINGSTON COUNTY
(H, Hw) - See Statewide
MC DONALD COUNTY
(H, Hw) - See Statewide
MAHON COUNTY
(H, Hw) - See Statewide
MADISON COUNTY
(H, Hw) - See Statewide
MARIES COUNTY
(H, Hw) - See Statewide

MISSOURI (Cont'd)

MARION COUNTY
(H, Hw) - See Statewide
MERCER COUNTY
(H, Hw) - See Statewide
MILLER COUNTY
(H, Hw) - See Statewide
MISSISSIPPI COUNTY
(D) - See Cape Girardeau County
(H, Hw) - See Statewide
MONITEAU COUNTY
(D) - See Andrew County
(H, Hw) - See Statewide
MONROE COUNTY
(H, Hw) - See Statewide
MONTGOMERY COUNTY
(D) - See Andrew County
(H, Hw) - See Statewide
MORGAN COUNTY
(H, Hw) - See Statewide
NEW MADRID COUNTY
(H, Hw) - See Statewide
NEWTON COUNTY
(H, Hw) - See Statewide
NOBLES COUNTY
(H, Hw) - See Statewide
OREGON COUNTY
(H, Hw) - See Statewide
OSAGE COUNTY
(D) - See Andrew County
(H, Hw) - See Statewide
OSARK COUNTY
(H, Hw) - See Statewide
PENNSYLVANIA COUNTY
(H, Hw) - See Statewide
PERRY COUNTY
(D) - See Cape Girardeau County
(H, Hw) - See Statewide
PETTIS COUNTY
(H, Hw) - See Statewide
PHELPS COUNTY
(H, Hw) - See Statewide
PIKE COUNTY
(H, Hw) - See Statewide
PLATTE COUNTY
(B, R, H, Hw) - See Cass County
(D) - See Andrew County
POLK COUNTY
(H, Hw) - See Statewide

MISSOURI (Cont'd)

POLASKI COUNTY
(H, Hw) - See Statewide
PUTNAM COUNTY
(H, Hw) - See Statewide
RALLS COUNTY
(H, Hw) - See Statewide
RANDOLPH COUNTY
(H, Hw) - See Statewide
RAY COUNTY
(B, R) - See Cass County
(H, Hw) - See Statewide
BEYNOLDS COUNTY
(H, Hw) - See Statewide
RIPELEY COUNTY
(H, Hw) - See Statewide
ST. CHARLES COUNTY
(B, R) - See Franklin County
(D) - See Andrew County
(D) - See Cape Girardeau County
(H, Hw) - See Statewide
ST. CLAIR COUNTY
(H, Hw) - See Statewide
ST. FRANCOIS COUNTY
(H, Hw) - See Statewide
ST. LOUIS COUNTY
(B, R) - See Franklin County
(D) - See Cape Girardeau County
(D) - See Andrew County
(H, Hw) - See Statewide
STE. GENEVIEVE COUNTY
(D) - See Cape Girardeau County
SALINE COUNTY
(D) - See Andrew County
(H, Hw) - See Statewide
SCHUYLER COUNTY
(H, Hw) - See Statewide
SCOTLAND COUNTY
(H, Hw) - See Statewide
SCOTT COUNTY
(H, Hw) - See Statewide
SHANNON COUNTY
(H, Hw) - See Statewide
SHELBY COUNTY
(H, Hw) - See Statewide
STODOLSKY COUNTY
(H, Hw) - See Statewide

MONTANA (Cont'd.)

MONTANA (Cont'd.)

MONTANA

MISSOURI (Cont'd.)

STONE COUNTY
(Hw) - See Statewide
SULLIVAN COUNTY
(H, Hw) - See Statewide
TRENT COUNTY
(Hw) - See Statewide
TEXAS COUNTY
(Hw) - See Statewide
VERNON COUNTY
(H, Hw) - See Statewide
WARREN COUNTY
(B) - See Andrew County
(H, Hw) - See Statewide
WASHINGTON COUNTY
(H, Hw) - See Statewide
WAYNE COUNTY
(Hw) - See Statewide
WEBSTER COUNTY
(Hw) - See Statewide
WORTH COUNTY
(H, Hw) - See Statewide
WRIGHT COUNTY
(Hw) - See Statewide

STATEWIDE
Decision #MT75-5094 (B)
40 FR 31533 - 7/25/75
Decision #MT75-5093 (H, Hw)
40 FR 31522 - 7/25/75
Mod. #1 - 40 FR 34554 - 8/15/75
BEAVERHEAD COUNTY
(B, H, Hw) - See Statewide
BIG HORN COUNTY
(B, H, Hw) - See Statewide
BLAINE COUNTY
(B, H, Hw) - See Statewide
BROADWATER COUNTY
(B, H, Hw) - See Statewide
CARBON COUNTY
(B, H, Hw) - See Statewide
CARTER COUNTY
(B, H, Hw) - See Statewide
CASCADE COUNTY
(B, H, Hw) - See Statewide
Decision #MT75-5091 (R)
40 FR 31503 - 7/25/75
CHOUTEAU COUNTY
(B, H, Hw) - See Statewide
CUSTER COUNTY
(B, H, Hw) - See Statewide
DANIELS COUNTY
(B, H, Hw) - See Statewide
DAMON COUNTY
(B, H, Hw) - See Statewide
DEER LODGE COUNTY
(B, H, Hw) - See Statewide
Decision #MT75-5092 (R)
40 FR 31514 - 7/25/75
FALLON COUNTY
(B, H, Hw) - See Statewide
FERGUS COUNTY
(B, H, Hw) - See Statewide
FLATHEAD COUNTY
(B, H, Hw) - See Statewide
(R) - See Cascade County

GALLATIN COUNTY
(B, H, Hw) - See Statewide
(R) - See Deer Lodge County
GARFIELD COUNTY
(B, H, Hw) - See Statewide
GLACIER COUNTY
(R) - See Cascade County
(B, H, Hw) - See Statewide
GOLDEN VALLEY COUNTY
(B, H, Hw) - See Statewide
GRANITE COUNTY
(B, H, Hw) - See Statewide
HILL COUNTY
(B, H, Hw) - See Statewide
(R) - See Cascade County
JEFFERSON COUNTY
(B, H, Hw) - See Statewide
JUDITH BASIN COUNTY
(B, H, Hw) - See Statewide
LAKE COUNTY
(B, H, Hw) - See Statewide
LEWIS & CLARK COUNTY
(B, H, Hw) - See Statewide
LIBERTY COUNTY
(B, H, Hw) - See Statewide
LINCOLN COUNTY
(B, H, Hw) - See Statewide
MC CONE COUNTY
(B, H, Hw) - See Statewide
MADISON COUNTY
(B, H, Hw) - See Statewide
MEAGHER COUNTY
(B, H, Hw) - See Statewide
MINERAL COUNTY
(B, H, Hw) - See Statewide
MISSOULA COUNTY
(R) - See Cascade County
(B, H, Hw) - See Statewide
MUSSEL SHELL COUNTY
(B, H, Hw) - See Statewide
PARK COUNTY
(B, H, Hw) - See Statewide
PETROLEUM COUNTY
(B, H, Hw) - See Statewide
PHILLIPS COUNTY
(B, H, Hw) - See Statewide
PONDERA COUNTY
(B, H, Hw) - See Statewide
POWDER RIVER COUNTY
(B, H, Hw) - See Statewide
POWELL COUNTY
(B, H, Hw) - See Statewide
PRAIRIE COUNTY
(B, H, Hw) - See Statewide
RAVALLI COUNTY
(B, H, Hw) - See Statewide

RICHLAND COUNTY
(B, H, Hw) - See Statewide
ROOSEVELT COUNTY
(B, H, Hw) - See Statewide
ROSEBUD COUNTY
(B, H, Hw) - See Statewide
SANDERS COUNTY
(B, H, Hw) - See Statewide
(R) - See Cascade County
SHERIDAN COUNTY
(B, H, Hw) - See Statewide
SILVER BOW COUNTY
(R) - See Deer Lodge County
(B, H, Hw) - See Statewide
STILLWATER COUNTY
(B, H, Hw) - See Statewide
SWEET GRASS COUNTY
(B, H, Hw) - See Statewide
TETON COUNTY
(B, H, Hw) - See Statewide
TOOLE COUNTY
(B, H, Hw) - See Statewide
TREASURE COUNTY
(B, H, Hw) - See Statewide
VALLEY COUNTY
(B, H, Hw) - See Statewide
(R) - See Cascade County
WHEATLAND COUNTY
(B, H, Hw) - See Statewide
WIBAUD COUNTY
(B, H, Hw) - See Statewide
YELLOWSTONE COUNTY
(B, H, Hw) - See Statewide

NEBRASKA (Cont'd.)

NEBRASKA (Cont'd.)

NEBRASKA (Cont'd.)

NEBRASKA

- ADAMS COUNTY
Decision #42-92 (H, Hw)
39 FR 44917 - 12/27/74
- ANTELOPE COUNTY
(H, Hw) - See Adams County
- ARTHUR COUNTY
(H, Hw) - See Adams County
- BANNER COUNTY
Decision #NE75-4113 (B)
40 FR 28218 - 6/20/75
- BLAINE COUNTY
(H, Hw) - See Adams County
- BOONE COUNTY
(H, Hw) - See Adams County
- BOX BUTTE COUNTY
(B) - See Banner County
- BOYD COUNTY
(H, Hw) - See Adams County
Decision #NE75-4054 (Channel Stabilization)
40 FR 8739 - 2/28/75
- BROWN COUNTY
(H, Hw) - See Adams County
- BUFFALO COUNTY
(H, Hw) - See Adams County
- BURT COUNTY
(H, Hw) - See Adams County
- BUTLER COUNTY
(H, Hw) - See Adams County
- CASS COUNTY
(Chann. Stab.) - See Boyd County
Decision #NE75-4112 (H, Hw)
40 FR 25400 - 6/13/75
Mod. #1 - 40 FR 27416 - 6/27/75
Mod. #2 - 40 FR 32553 - 8/1/75
- CEDAR COUNTY
Decision #AQ-93 (B)
39 FR 15653 - 5/3/74
(H, Hw) - See Adams County
(Chann. Stab.) - See Boyd County
- CHASE COUNTY
(H, Hw) - See Adams County
- CHEYENNE COUNTY
(B) - See Banner County
- CLAY COUNTY
(H, Hw) - See Adams County
- CLAY COUNTY
(H, Hw) - See Adams County
- COLFAX COUNTY
(H, Hw) - See Adams County
- CUMING COUNTY
(B) - See Cedar County
(H, Hw) - See Adams County
- CUSTER COUNTY
(H, Hw) - See Adams County
- DAKOTA COUNTY
(Chann. Stab.) - See Boyd County
- DANES COUNTY
(B) - See Banner County
(H, Hw) - See Adams County
- DANFORTH COUNTY
(H, Hw) - See Adams County
- DEUEL COUNTY
(B) - See Banner County
(H, Hw) - See Adams County
- DIXON COUNTY
(Chann. Stab.) - See Boyd County
- DODGE COUNTY
(H, Hw) - See Adams County
- DOUGLAS COUNTY
Decision #NE75-4111 (B, R)
40 FR 25399 - 6/13/75
- DUNFORD COUNTY
(Chann. Stab.) - See Boyd County
- FILLMORE COUNTY
(H, Hw) - See Adams County
- FRANKLIN COUNTY
(H, Hw) - See Adams County
- FRONTIER COUNTY
(H, Hw) - See Adams County
- FURNAS COUNTY
(H, Hw) - See Adams County
- GAGE COUNTY
(H, Hw) - See Adams County
- GARDEN COUNTY
(B) - See Banner County
(H, Hw) - See Adams County
- GARFIELD COUNTY
(H, Hw) - See Adams County
- GOSPER COUNTY
(H, Hw) - See Adams County
- GRANT COUNTY
(H, Hw) - See Adams County
- GREELEY COUNTY
(H, Hw) - See Adams County
- HALL COUNTY
Decision #NE75-4155 (B)
40 FR 41366 - 9/5/75
(H, Hw) - See Adams County
- HAMILTON COUNTY
(H, Hw) - See Adams County
- HARLAN COUNTY
(H, Hw) - See Adams County
- HAYES COUNTY
(H, Hw) - See Adams County
- HITCHCOCK COUNTY
(H, Hw) - See Adams County
- HOLT COUNTY
(H, Hw) - See Adams County
- HOOVER COUNTY
(H, Hw) - See Adams County
- HOWARD COUNTY
(H, Hw) - See Adams County
- JEFFERSON COUNTY
(H, Hw) - See Adams County
- JOHNSON COUNTY
(H, Hw) - See Adams County
- KEARNEY COUNTY
(H, Hw) - See Adams County
- KELTH COUNTY
(H, Hw) - See Adams County
- KEYAPAH COUNTY
(H, Hw) - See Adams County
- KIMBALL COUNTY
(B) - See Banner County
(H, Hw) - See Adams County
- KNICK COUNTY
(H, Hw) - See Adams County
(Chann. Stab.) - See Boyd County
- LANCASTER COUNTY
Decision #NE75-4085 (B)
40 FR 20599 - 5/9/75
Decision #AM-6140 (R)
36 FR 21736 - 11/12/71
- LINCOLN COUNTY
(H, Hw) - See Adams County
- LOGAN COUNTY
(H, Hw) - See Adams County
- LOUP COUNTY
(H, Hw) - See Adams County
- MC PHERSON COUNTY
(H, Hw) - See Adams County
- MADISON COUNTY
(H, Hw) - See Adams County
- MERRICK COUNTY
(H, Hw) - See Adams County
- MORRILL COUNTY
(B) - See Banner County
(H, Hw) - See Adams County
- NANCE COUNTY
(H, Hw) - See Adams County
- NEBASKA COUNTY
Decision #NO75-4070 (D)
40 FR 14225 - 3/28/75
- NICHOLS COUNTY
(Chann. Stab.) - See Boyd County
- OTIE COUNTY
(H, Hw) - See Adams County
(Chann. Stab.) - See Boyd County
- PANNEE COUNTY
(H, Hw) - See Adams County
- PERKINS COUNTY
(H, Hw) - See Adams County
- PHELPS COUNTY
(H, Hw) - See Adams County
- PIERCE COUNTY
(B) - See Cedar County
- PLATTE COUNTY
(H, Hw) - See Adams County
- POLK COUNTY
(H, Hw) - See Adams County
- RED WILLOW COUNTY
(H, Hw) - See Adams County
- RICHARDSON COUNTY
(Chann. Stab.) - See Boyd County
(D) - See Nebraska County
- ROCK COUNTY
(H, Hw) - See Adams County
- SALINE COUNTY
(H, Hw) - See Adams County
- SASPY COUNTY
(Chann. Stab.) - See Boyd County
(B, R) - See Douglas County
(H, Hw) - See Cass County
- SAUNDERS COUNTY
(H, Hw) - See Adams County
- SCOTT BLUFF COUNTY
(B) - See Banner County
(H, Hw) - See Adams County
- SEWARD COUNTY
(H, Hw) - See Adams County
- SHERIDAN COUNTY
(B) - See Banner County
(H, Hw) - See Adams County
- SHEPARD COUNTY
(H, Hw) - See Adams County
- STOLUX COUNTY
(B) - See Banner County
(H, Hw) - See Adams County

NEBRASKA (Cont'd)

STANTON COUNTY
(B) - See Cedar County
(H, Hw) - See Adams County
THAYER COUNTY
(H, Hw) - See Adams County
THOMAS COUNTY
(H, Hw) - See Adams County
THURSTON COUNTY
(Chann. Stab.) - See Boyd County
(H, Hw) - See Adams County
VALLEY COUNTY
(H, Hw) - See Adams County
WASHINGTON COUNTY
(H, Hw) - See Cass County
(Chann. Stab.) - See Boyd County
WAYNE COUNTY
(B) - See Cedar County
(H, Hw) - See Adams County
WEBSTER COUNTY
(H, Hw) - See Adams County
WHEELER COUNTY
(H, Hw) - See Adams County
YORK COUNTY
(H, Hw) - See Adams County

NEVADA

STATENIDE (Excluding the Nevada
Test Site & Tonopah Test Range)
Decision #W75-5095 (B, H, Hw)
40 FR 32635 - 8/1/75
CHURCHILL COUNTY
(B, H, Hw) - See Statewide
CLACK COUNTY
Decision #W75-5095 (R) (Excluding the
Nevada Test Site)
40 FR 32645 - 8/1/75
(B, H, Hw) - See Statewide
Decision #W75-5057 (B, H, Hw) (Nevada Test
Site including the Tonopah Test Range)
40 FR 20602 - 5/9/75
Mod. #1 - 40 FR 25326 - 5/13/75
DOUGLAS COUNTY
(B, H, Hw) - See Statewide
ELKO COUNTY
(B, H, Hw) - See Statewide
ESMERALDA COUNTY
(B, H, Hw) - See Statewide
EUREKA COUNTY
(B, H, Hw) - See Statewide
HAMBOLDT COUNTY
(B, H, Hw) - See Statewide
LANDER COUNTY
(B, H, Hw) - See Statewide
LINCOLN COUNTY
(B, H, Hw) - See Statewide
LYON COUNTY
(B, H, Hw) - See Statewide
MINERAL COUNTY
(B, H, Hw) - See Statewide
NTE COUNTY
(B, H, Hw) - See Clark Co. (Nevada
Test Site)
OROSSY COUNTY
(B, H, Hw) - See Statewide
PERKINS COUNTY
(B, H, Hw) - See Statewide
STONE COUNTY
(B, H, Hw) - See Statewide
WASHOE COUNTY
Decision #W75-5097 (R)
40 FR 32650 - 8/1/75
(B, H, Hw) - See Statewide
WHITE PINE COUNTY
(B, H, Hw) - See Statewide

NEW HAMPSHIRE

BELKNAP COUNTY
None
CARROLL COUNTY
None
CHESHIRE COUNTY
None
COOS COUNTY
None
GRAFTON COUNTY
None
HILLSBORO COUNTY
Decision #W75-2096 (B, H, Hw, R)
40 FR 30419 - 7/18/75
Mod. #1 - 40 FR 36887 - 8/22/75
MERRIMACK COUNTY
Decision #W75-2097 (B, H, Hw, & Marine)
40 FR 30422 - 7/18/75
Mod. #1 - 440FFR36888 - 8/22/75
ROCKINGHAM COUNTY
Decision #CT75-5045 (D)
40 FR 15294 - 4/4/75
Decision #W75-2098 (B, H, Hw, R, & Marine)
40 FR 30425 - 7/18/75
Mod. #1 - 40 FR 36886 - 8/22/75
STRAFFORD COUNTY
Decision #W75-2099 (B, H, Hw, & Marine)
40 FR 30430 - 7/18/75
Mod. #1 - 40 FR 36889 - 8/22/75
SULLIVAN COUNTY
None

NEW JERSEY

ATLANTIC COUNTY
Decision #W75-3049 (B, H, Hw)
40 FR 26219 - 6/20/75
Mod. #1 - 40 FR 36889 - 8/22/75
Decision #CT75-5045 (D)
40 FR 15294 - 4/4/75
BERGEN COUNTY
Decision #W75-3050 (B, H, Hw)
40 FR 29501 - 7/11/75
Mod. #1 - 40 FR 40007 - 8/29/75
(D) - See Atlantic County

NEW JERSEY (Cont'd.)

BURLINGTON COUNTY
(B, H, Hw) - See Atlantic County
(D) - See Atlantic County
CAMDEN COUNTY
(B, H, Hw) - See Atlantic County
(D) - See Atlantic County
CAPE MAY COUNTY
Decision #N75-3068 (R)
40 FR 29437 - 7/11/75
(B, H, Hw, D) - See Atlantic County
CUMBERLAND COUNTY
(B, H, Hw) - See Atlantic County
(D) - See Atlantic County
ESSEX COUNTY
(B, H, Hw) - See Bergen County
(D) - See Atlantic County
GLOUCESTER COUNTY
(B, H, Hw) - See Camden County
(D) - See Atlantic County
HUDSON COUNTY
(B, H, Hw) - See Bergen County
(D) - See Atlantic County
HUNTERDON COUNTY
(B, H, Hw) - See Bergen County
(D) - See Atlantic County
MERCER COUNTY
(B, H, Hw) - See Atlantic County
(D) - See Atlantic County
MIDDLESEX COUNTY
(B, H, Hw) - See Atlantic County
(D) - See Bergen County
(D) - See Atlantic County
MORMON COUNTY
(B, H, Hw) - See Atlantic County
(D) - See Atlantic County

NEW JERSEY (Cont'd.)

MORRIS COUNTY
(B, H, Hw) - See Bergen County
(D) - See Atlantic County
OCEAN COUNTY
(B, H, Hw) - See Atlantic County
(D) - See Atlantic County
PASSAIC COUNTY
(B, H, Hw) - See Bergen County
(D) - See Atlantic County
SALEM COUNTY
(B, H, Hw) - See Atlantic County
(D) - See Atlantic County
SOMERSET COUNTY
(B, H, Hw) - See Bergen County
(D) - See Atlantic County
SUSSEX COUNTY
(B, H, Hw) - See Bergen County
(D) - See Atlantic County
UNION COUNTY
(B, H, Hw) - See Bergen County
(D) - See Atlantic County
WARREN COUNTY
(B, H, Hw) - See Bergen County

NEW MEXICO

STATEWIDE
Decision #N75-4137 (Streets, Highways, Utilities and Light Engineering Construction)
40 FR 32656 - 8/17/75
Decision #N75-4136 (Buildings, including residential in McKinley, Santa Fe, San Juan & Bernalillo Cos., but not on the Indian Reservation, and Heavy engineering construction, and Heavy)
40 FR 32658 - 8/17/75
BERNALILLO COUNTY
(B, H, Hw, R) - See Statewide
CATRON COUNTY
(B, H, Hw) - See Statewide
CHAVES COUNTY
(B, H, Hw) - See Statewide
COLFAX COUNTY
(B, H, Hw) - See Statewide
CURRY COUNTY
(B, H, Hw) - See Statewide
DE BACA COUNTY
(B, H, Hw) - See Statewide
DONA ANA COUNTY
(B, H, Hw) - See Statewide
Decision #N75-4014 (R)
40 FR 3148 - 7/17/75
EDDY COUNTY
(B, H, Hw) - See Statewide
GRANT COUNTY
(B, H, Hw) - See Statewide
GUADALUPE COUNTY
(B, H, Hw) - See Statewide
HARDING COUNTY
(B, H, Hw) - See Statewide
HIDALGO COUNTY
(B, H, Hw) - See Statewide
LEA COUNTY
(B, H, Hw) - See Statewide
LINCOLN COUNTY
(B, H, Hw) - See Statewide
LOS ALAMOS COUNTY
(B, H, Hw) - See Statewide
LUNA COUNTY
(B, H, Hw) - See Statewide
McKINLEY COUNTY
(R) - See San Juan County
(B, H, Hw, R) - See Statewide
MORA COUNTY
(B, H, Hw) - See Statewide

NEW MEXICO (Cont'd.)

MORA COUNTY
(B, H, Hw) - See Statewide
OTERO COUNTY
(R) - See Dona Ana County
(B, H, Hw) - See Statewide
QUAY COUNTY
(B, H, Hw) - See Statewide
RIO ARriba COUNTY
(B, H, Hw) - See Statewide
ROOSEVELT COUNTY
(B, H, Hw) - See Statewide
SANDOVAL COUNTY
(B, H, Hw) - See Statewide
SAN JUAN COUNTY
Decision #N75-5004 (R) (Navajo Indian Reservation)
40 FR 3921 - 1/24/75
(B, H, Hw, R) - See Statewide
SAN MIGUEL COUNTY
(B, H, Hw) - See Statewide
SANTE FE COUNTY
(B, H, Hw, R) - See Statewide
SIERRA COUNTY
(B, H, Hw) - See Statewide
SOCORRO COUNTY
(B, H, Hw) - See Statewide
TAOS COUNTY
(B, H, Hw) - See Statewide
TORRANCE COUNTY
(B, H, Hw) - See Statewide
UNION COUNTY
(B, H, Hw) - See Statewide
VALENZUELA COUNTY
(B, H, Hw) - See Statewide

NEW YORK

ALBANY COUNTY
Decision #NY75-3033 (B, H, Hw)
40 FR 16545 - 4/11/75

ALLEGANY COUNTY
None

BROOKS COUNTY
Decision #AR-2101 (B, H, Hw)
39 FR 44925 - 12/27/74
Mod. #1 - 40 FR 5984 - 2/7/75
Mod. #2 - 40 FR 7799 - 2/21/75
Mod. #3 - 40 FR 33578 - 8/6/75
Decision #NY75-3016 (B)
40 FR 7852 - 2/21/75
Decision #CT75-5045 (D)
40 FR 15234 - 4/4/75

BROOKS COUNTY
Decision #NY75-3032 (B, H, Hw)
40 FR 16549 - 4/11/75

CATTARAUGUS COUNTY
None

CAYUGA COUNTY
Decision #NY75-3033 (D)
40 FR 16554 - 4/11/75

CHAUTAUQUE COUNTY
Decision #AR-2014 (B, H, Hw)
39 FR 28735 - 8/9/74
Mod. #1 - 40 FR 3863 - 1/24/75
(D) - See Cayuga County

CHEMUNG COUNTY
None

CHEMUNG COUNTY
None

CLINTON COUNTY
None

COLUMBIA COUNTY
None

CORTLAND COUNTY
None

DELAWARE COUNTY
None

NEW YORK (Cont'd)

DOTCHES COUNTY
Decision #NY75-3034 (B, H, Hw)
40 FR 16559 - 4/11/75
(D) - See Bronx County

ERIE COUNTY
Decision #NY75-3035 (B, H, Hw)
40 FR 16565 - 4/11/75
(D) - See Cayuga County

ESSEX COUNTY
None

FRANKLIN COUNTY
(D) - See Cayuga County

FULTON COUNTY
None

GENESEE COUNTY
None

GREENE COUNTY
None

HAMILTON COUNTY
None

HERKIMER COUNTY
None

JEFFERSON COUNTY
Decision #NY75-3036 (B, H, Hw)
40 FR 16571 - 4/11/75
Mod. #1-40 FR 24455 - 6/6/75
(D) - See Cayuga County

KINGS COUNTY
(B, H, Hw, R, D) - See Bronx County

LEWIS COUNTY
None

LIVINGSTON COUNTY
None

MADISON COUNTY
None

NEW YORK (Cont'd)

MONROE COUNTY
Decision #NY75-3063 (B, H, Hw)
40 FR 26233 - 6/20/75
Mod. #1 - 40 FR 27416 - 6/22/75
(D) - See Cayuga County

MONTGOMERY COUNTY
None

NASSAU COUNTY
Decision #NY75-3038 (B, H, Hw)
40 FR 16581 - 4/11/75
(D) - See Bronx County

NEW YORK COUNTY
(B, H, Hw, R, D) - See Bronx County

NIAAGARA COUNTY
Decision #NY75-3039 (B, H, Hw)
40 FR 16586 - 4/11/75
(D) - See Cayuga County

ONEIDA COUNTY
Decision #NY75-3040 (B, H, Hw)
40 FR 16589 - 4/11/75
Mod. #1 - 40 FR 24456 - 6/6/75

ONONDAGA COUNTY
Decision #NY75-3041 (B, H, Hw)
40 FR 16595 - 4/11/75
Mod. #1 - 40 FR 24457 - 6/6/75

ONTARIO COUNTY
None

ORANGE COUNTY
Decision #NY75-3042 (B, H, Hw)
40 FR 16599 - 4/11/75
Mod. #1 - 40 FR 25327 - 6/13/75
(D) - See Bronx County

ORLEANS COUNTY
(D) - See Cayuga County

OSAGE COUNTY
(D) - See Cayuga County

OTSEGO COUNTY
None

POTSDAM COUNTY
None

QUEEN'S COUNTY
(B, H, Hw, R) - See Bronx County

NEW YORK (Cont'd)

RENSSELAER COUNTY
Decision #NY75-3043 (B, H, Hw)
40 FR 16606 - 4/11/75

RICHMOND COUNTY
(B, H, Hw, R, D) - See Bronx County

ROCKLAND COUNTY
(D) - See Bronx County

ST LAWRENCE COUNTY
(D) - See Cayuga County

SARATOGA COUNTY
Decision #AR-2097 (B, H, Hw)
39 FR 44919 - 12/27/74

SCHENECTADY COUNTY
Decision #NY75-3044 (B, H, Hw)
40 FR 16610 - 4/11/75

SCHROHARIE COUNTY
None

SCHUYLER COUNTY
None

SENECA COUNTY
None

STEUBEN COUNTY
Decision #NY75-3046 (B, H, Hw)
40 FR 16619 - 4/11/75

SUFFOLK COUNTY
Decision #NY75-3045 (B, H, Hw)
40 FR 16614 - 4/11/75
(D) - See Bronx County

SULLIVAN COUNTY
None

TIOGA COUNTY
None

-NEW YORK (cont'd.)

TOMPKINS COUNTY

None

ULSTER COUNTY

None

WANDEN COUNTY

None

WASHINGTON COUNTY

None

WAYNE COUNTY

None

WESTCHESTER COUNTY

None

WYOMING COUNTY

None

YATES COUNTY

None

NORTH CAROLINA

STATEWIDE

Decision #1075-1015 (H, Hw)

40 FR 4357 - 1/31/75

Mod. #1 - 40 FR 41351 - 9/5/75

Decision #1075-1078 (Sewer & Water, H)

40 FR 41367 - 9/5/75

ALABAMA COUNTY

Decision #1075-1078 (H, Hw)

39 FR 7010 - 2/22/74

(Sewer & Water, H, Hw) - See Statewide

ALEXANDER COUNTY

(Sewer & Water, H, Hw) - See Statewide

ALLEGANY COUNTY

(Sewer & Water, H, Hw) - See Statewide

ANSON COUNTY

(Sewer & Water, H, Hw) - See Statewide

ASHE COUNTY

(Sewer & Water, H, Hw) - See Statewide

AVERT COUNTY

Decision #1075-1017 (B)

39 FR 28739 - 8/9/74

Mod. #1 - 39 FR 43466 - 12/13/74

(Sewer & Water, H, Hw) - See Statewide

NORTH CAROLINA (Cont'd.)

BEAUFORT COUNTY

Decision #1075-3008 (D)

40 FR 3094 - 1/17/75

Mod. #1 - 40 FR 14204 - 3/28/75

(Sewer & Water, H, Hw) - See Statewide

BERTIE COUNTY

Decision #1075-4079 (R)

39 FR 7010 - 2/22/74

Mod. #1 - 40 FR 3087 - 1/17/75

(D) - See Beaufort County

BLADEN COUNTY

(Sewer & Water, H, Hw) - See Statewide

BRUNSWICK COUNTY

(Sewer & Water, H, Hw) - See Statewide

CAMDEN COUNTY

Decision #1075-4031 (R)

39 FR 32441 - 9/16/74

CARTERET COUNTY

Decision #1075-4005 (B)

39 FR 24778 - 7/5/74

Mod. #1 - 39 FR 43465 - 12/13/74

Decision #1075-1014 (R)

40 FR 6111 - 2/17/75

(Sewer & Water, H, Hw) - See Statewide

BURKE COUNTY

Decision #1075-4105 (B)

39 FR 14842 - 4/26/74

Decision #1075-4117 (R)

39 FR 18397 - 5/24/74

(Sewer & Water, H, Hw) - See Statewide

CABARRUS COUNTY

(Sewer & Water, H, Hw) - See Statewide

CALDWELL COUNTY

(Sewer & Water, H, Hw) - See Statewide

CAYDEN COUNTY

(Sewer & Water, H, Hw) - See Statewide

CARTERET COUNTY

Decision #1075-4083 (R)

39 FR 8101 - 3/1/74

(D) - See Beaufort County

CASWELL COUNTY

(Sewer & Water, H, Hw) - See Statewide

CATAMBA COUNTY

(Sewer & Water, H, Hw) - See Statewide

CHATHAM COUNTY

(Sewer & Water, H, Hw) - See Statewide

CHATHAM COUNTY

Decision #1075-1049 (B)

40 FR 18273 - 4/25/75

Decision #1075-4044 (R)

39 FR 36882 - 10/11/74

Mod. #1 - 40 FR 3087 - 1/17/75

(Sewer & Water, H, Hw) - See Statewide

NORTH CAROLINA (Cont'd.)

CHowan COUNTY

(Sewer & Water, H, Hw) - See Statewide

(D) - See Beaufort County

(R) - See Bertie County

CLAY COUNTY

(Sewer & Water, H, Hw) - See Statewide

CLEVELAND COUNTY

(R) - See Burke County

(Sewer & Water, H, Hw) - See Statewide

COLUMBUS COUNTY

(Sewer & Water, H, Hw) - See Statewide

CRAVEN COUNTY

(R) - See Carteret County

(Sewer & Water, H, Hw) - See Statewide

CURRITUCK COUNTY

(Sewer & Water, H, Hw) - See Statewide

(D) - See Beaufort County

DARE COUNTY

(Sewer & Water, H, Hw) - See Statewide

(D) - See Beaufort County

DAVISON COUNTY

(Sewer & Water, H, Hw) - See Statewide

DAVIE COUNTY

(Sewer & Water, H, Hw) - See Statewide

DUPLIN COUNTY

(Sewer & Water, H, Hw) - See Statewide

(R) - See Carteret County

DURHAM COUNTY

(Sewer & Water, H, Hw) - See Statewide

EDGEcombe COUNTY

(Sewer & Water, H, Hw) - See Statewide

FORSYTH COUNTY

Decision #1075-4019 (R)

39 FR 29702 - 8/16/74

(Sewer & Water, H, Hw) - See Statewide

FRANKLIN COUNTY

(Sewer & Water, H, Hw) - See Statewide

GASTON COUNTY

(Sewer & Water, H, Hw) - See Statewide

GATES COUNTY

(Sewer & Water, H, Hw) - See Statewide

GRAHAM COUNTY

(Sewer & Water, H, Hw) - See Statewide

GRANTVILLE COUNTY

(Sewer & Water, H, Hw) - See Statewide

GREENE COUNTY

(Sewer & Water, H, Hw) - See Statewide

GUILFORD COUNTY

(Sewer & Water, H, Hw) - See Statewide

(R) - See Alamance County

NORTH CAROLINA (Cont'd.)

HALIFAX COUNTY

(Sewer & Water, H, Hw) - See Statewide

(R) - See Bertie County

HARNETT COUNTY

(B, R) - See Chatham County

(Sewer & Water, H, Hw) - See Statewide

HAYWOOD COUNTY

(R) - See Buncombe County

(R) - See Cumberland County

(Sewer & Water, H, Hw) - See Statewide

HEMPHREY COUNTY

(R) - See Buncombe County

HERFORD COUNTY

(Sewer & Water, H, Hw) - See Statewide

(Sewer & Water, H, Hw) - See Statewide

(D) - See Beaufort County

(R) - See Bertie County

Hoke COUNTY

(R) - See Chatham County

(Sewer & Water, H, Hw) - See Statewide

HYDE COUNTY

(Sewer & Water, H, Hw) - See Statewide

(D) - See Beaufort County

IREDELL COUNTY

(Sewer & Water, H, Hw) - See Statewide

JACKSON COUNTY

(R) - See Buncombe County

(Sewer & Water, H, Hw) - See Statewide

JOHNSTON COUNTY

(Sewer & Water, H, Hw) - See Statewide

(R) - See Carteret County

JONES COUNTY

(Sewer & Water, H, Hw) - See Statewide

(R) - See Carteret County

LEE COUNTY

(B, R) - See Chatham County

(Sewer & Water, H, Hw) - See Statewide

LENOIR COUNTY

(Sewer & Water, H, Hw) - See Statewide

(R) - See Carteret County

LINCOLN COUNTY

(Sewer & Water, H, Hw) - See Statewide

(R) - See Burke County

MCDONELL COUNTY

(R) - See Buncombe County

(Sewer & Water, H, Hw) - See Statewide

MADISON COUNTY

(Sewer & Water, H, Hw) - See Statewide

(R) - See Buncombe County

MARTIN COUNTY

(Sewer & Water, H, Hw) - See Statewide

(Sewer & Water, H, Hw) - See Statewide

Decision #1075-161 (B)

38 FR 5753 - 3/2/73

Mod. #1 - 38 FR 7166 - 3/16/73

Mod. #2 - 38 FR 31770 - 11/16/73

(Sewer & Water, H, Hw) - See Statewide

NORTH CAROLINA (Cont'd.)		NORTH DAKOTA		NORTH DAKOTA (Cont'd.)	
MITCHELL COUNTY (Sewer & Water, H, Hw) - See Statewide (B) - See Avery County		STATENIDE Decision #ND75-5109 (Hw) 40 FR 40022 - 8/29/75		GRAND FOLKS COUNTY (Hw) - See Statewide (B) - See Burlington County	
MONTGOMERY COUNTY (Sewer & Water, H, Hw) - See Statewide		ADAMS COUNTY (Hw) - See Statewide		GRANT COUNTY (Hw) - See Statewide	
MOORE COUNTY (B, R) - See Chatham County		BARNES COUNTY (Hw) - See Statewide		GRIGGS COUNTY (Hw) - See Statewide	
NASH COUNTY (Sewer & Water, H, Hw) - See Statewide		BERSON COUNTY (Hw) - See Statewide		HETTINGER COUNTY (Hw) - See Statewide	
NEW HAMPSHIRE COUNTY Decision #ND75-1054 (B) 40 FR 22723 - 5/23/75		BILLINGS COUNTY (Hw) - See Statewide		KIDDER COUNTY (Hw) - See Statewide	
(R) - See Brunswick County		BOTTINEAU COUNTY (Hw) - See Statewide		LANGHE COUNTY (Hw) - See Statewide	
(D) - See Beaufort County		BOWMAN COUNTY (Hw) - See Statewide		LOGAN COUNTY (Hw) - See Statewide	
(Sewer & Water, H, Hw) - See Statewide		BURKE COUNTY (Hw) - See Statewide		MCHEERY COUNTY (Hw) - See Statewide	
NORTHAMPTON COUNTY (Sewer & Water, H, Hw) - See Statewide		(Hw) - See Statewide Decision #ND75-5110 (B) 40 FR 40025 - 8/29/75		MCINTOSH COUNTY (Hw) - See Statewide	
(R) - See Bertie County		40 FR 22776 - 5/23/75		MCNEZIE COUNTY (Hw) - See Statewide	
OSLOW COUNTY Decision #AR-4048 (B) 38 FR 38078 - 10/25/74		CASS COUNTY (Hw) - See Statewide		MCLEAN COUNTY (Hw) - See Statewide	
(Sewer & Water, H, Hw) - See Statewide		(B) - See Burlington County		MECKER COUNTY (Hw) - See Statewide	
ORANGE COUNTY (Sewer & Water, H, Hw) - See Statewide		CAVALIER COUNTY (Hw) - See Statewide		MORTON COUNTY (Hw) - See Statewide	
PAWLIK COUNTY (D) - See Beaufort County		DICKEN COUNTY (Hw) - See Statewide		(Hw) - See Statewide (B) - See Burlington County	
(Sewer & Water, H, Hw) - See Statewide		DIVIDE COUNTY (Hw) - See Statewide		MOUNTAIN COUNTY (Hw) - See Statewide	
(R) - See Carteret County		DUNN COUNTY (Hw) - See Statewide		NELSON COUNTY (Hw) - See Statewide	
PASQUOTANK COUNTY (D) - See Beaufort County		EDDY COUNTY (Hw) - See Statewide		OLIVER COUNTY (Hw) - See Statewide	
(Sewer & Water, H, Hw) - See Statewide		EMMONS COUNTY (Hw) - See Statewide		PENGUINA COUNTY (Hw) - See Statewide	
PENDER COUNTY (R) - See Brunswick County		FOSTER COUNTY (Hw) - See Statewide		PIERCE COUNTY (Hw) - See Statewide	
(D) - See Beaufort County		GOLDEN VALLEY COUNTY (Hw) - See Statewide		RAVENSLEY COUNTY (Hw) - See Statewide	
(Sewer & Water, H, Hw) - See Statewide		WATKINS COUNTY (B) - See Avery County		RAVISON COUNTY (Hw) - See Statewide	
PERQUIMANS COUNTY (D) - See Beaufort County		WAYNE COUNTY (Sewer & Water, H, Hw) - See Statewide		(Hw) - See Statewide	
(Sewer & Water, H, Hw) - See Statewide		WILKES COUNTY Decision #AR-4063 (B) 38 FR 42803 - 12/6/74		RENNVILLE COUNTY (Hw) - See Statewide	
PERSONS COUNTY (Sewer & Water, H, Hw) - See Statewide		Mod. #1 - 40 FR 3087 - 1/17/75		RICHLAND COUNTY (Hw) - See Statewide	
(Sewer & Water, H, Hw) - See Statewide		Mod. #2 - 40 FR 5884 - 2/7/75		(Hw) - See Statewide	
PITTS COUNTY (Sewer & Water, H, Hw) - See Statewide		(Sewer & Water, H, Hw) - See Statewide		(B) - See Burlington County	
(R) - See Bertie County		WILSON COUNTY (Sewer & Water, H, Hw) - See Statewide			
POLK COUNTY (R) - See Burke County		(C) - See Bertie County			
(Sewer & Water, H, Hw) - See Statewide		YORK COUNTY (Sewer & Water, H, Hw) - See Statewide			
RANDOLPH COUNTY (R) - See Alamance County		(Sewer & Water, H, Hw) - See Statewide			
(Sewer & Water, H, Hw) - See Statewide					
REID COUNTY (Sewer & Water, H, Hw) - See Statewide					
(Sewer & Water, H, Hw) - See Statewide					
ROBERTSON COUNTY (Sewer & Water, H, Hw) - See Statewide					
(Sewer & Water, H, Hw) - See Statewide					
ROCKINGHAM COUNTY (Sewer & Water, H, Hw) - See Statewide					
(R) - See Alamance County					
(Sewer & Water, H, Hw) - See Statewide					
ROUSE COUNTY (Sewer & Water, H, Hw) - See Statewide					
(R) - See Alamance County					
(Sewer & Water, H, Hw) - See Statewide					

NORTH DAKOTA (Cont'd)

ROLETTE COUNTY
(Hw) - See Statewide
SARGENT COUNTY
(Hw) - See Statewide
SHERIDAN COUNTY
(Hw) - See Statewide
SIOUX COUNTY
(Hw) - See Statewide
SLOPE COUNTY
(Hw) - See Statewide
STARK COUNTY
(Hw) - See Statewide
STEELE COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
STUTSMAN COUNTY
(Hw) - See Statewide
TOWNER COUNTY
(Hw) - See Statewide
TRAILL COUNTY
(Hw) - See Statewide
WALSH COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
WARD COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
WELLS COUNTY
(Hw) - See Statewide
WILLIAMS COUNTY
(Hw) - See Statewide

OHIO

STATEWIDE
Decision #075-2056 (H, Hw)
40 FR 1530 - 4/4/75
Mod. #1 - 40 FR 18282 - 4/25/75
Mod. #2 - 40 FR 25328 - 6/13/75
ADAMS COUNTY
Decision #1175-2036 (D)
40 FR 6023 - 2/7/75
(H, Hw) - See Statewide
ALLEN COUNTY
Decision #075-2034 (B)
40 FR 5967 - 2/7/75
(H, Hw) - See Statewide
ASHLAND COUNTY
(H, Hw) - See Statewide
ASHTABULA COUNTY
Decision #075-2036 (B)
39 FR 40401 - 11/15/74
Mod. #1 - 40 FR 14214
Decision #1175-2075 (D)
40 FR 27418 - 6/27/75
(H, Hw) - See Statewide
ATHENS COUNTY
(D) - See Adams County
(H, Hw) - See Statewide
AUGLAIZE COUNTY
(B) - See Allen County
(H, Hw) - See Statewide
BELMONT COUNTY
(H, Hw) - See Statewide
BROWN COUNTY
(D) - See Adams County
(H, Hw) - See Statewide
BUTLER COUNTY
Decision #075-2033 (B)
39 FR 30774 - 8/23/74
Mod. #1 - 40 FR 15492 - 4/11/75
Decision #075-2034 (B)
39 FR 14049 - 5/25/73
(H, Hw) - See Statewide
CARROLL COUNTY
(H, Hw) - See Statewide
CHAMPAIGN COUNTY
(H, Hw) - See Statewide
CLARK COUNTY
Decision #075-2034 (B)
39 FR 30775 - 8/23/74
Mod. #1 - 40 FR 15274 - 4/4/75
Decision #075-2034 (B)
39 FR 14049 - 5/25/73
(H, Hw) - See Statewide
CLERMONT COUNTY
Decision #075-2034 (B)
39 FR 14050 - 5/25/73
(B) - See Hamilton County
(D) - See Adams County
(H, Hw) - See Statewide
CLINTON COUNTY
(H, Hw) - See Statewide
COLUMBIANA COUNTY
(H, Hw) - See Statewide
COSHOCTON COUNTY
(H, Hw) - See Statewide

OHIO (Cont'd)

CRAWFORD COUNTY
(H, Hw) - See Statewide
CUYAHOGA COUNTY
Decision #075-2035 (B, R)
39 FR 30774 - 8/23/74
Mod. #1 - 40 FR 15274 - 4/4/75
(H, Hw) - See Statewide
DARKE COUNTY
(H, Hw) - See Statewide
DEFANCE COUNTY
(H, Hw) - See Statewide
DELAWARE COUNTY
Decision #075-2036 (B)
39 FR 15963 - 8/18/71
Mod. #1 - 39 FR 4630 - 2/16/73
(H, Hw) - See Statewide
EGLE COUNTY
Decision #075-2036 (B)
39 FR 41102 - 11/22/74
Mod. #1 - 40 FR 15276 - 4/4/75
(D) - See Ashtabula County
FAIRFIELD COUNTY
(H, Hw) - See Statewide
(R) - See Delaware County
(H, Hw) - See Statewide
FAYETTE COUNTY
(H, Hw) - See Statewide
FRANKLIN COUNTY
Decision #075-2036 (B)
39 FR 30780 - 8/23/74
Mod. #1 - 40 FR 37330 - 10/18/74
Mod. #2 - 40 FR 15274 - 4/4/75
Mod. #3 - 40 FR 33578 - 8/8/75
(R) - See Delaware County
(H, Hw) - See Statewide
FULTON COUNTY
(B) - See Lucas County
(H, Hw) - See Statewide
GALLIA COUNTY
(D) - See Adams County
(H, Hw) - See Statewide
GEAUGA COUNTY
(H, Hw) - See Statewide
GREENE COUNTY
Decision #075-2037 (B)
39 FR 30782 - 8/23/74
Mod. #1 - 40 FR 15275 - 4/4/75
Decision #075-2037 (B)
39 FR 15965 - 8/18/71
Mod. #1 - 39 FR 8819 - 4/28/72
(H, Hw) - See Statewide
GUERNSEY COUNTY
(H, Hw) - See Statewide
HAMILTON COUNTY
Decision #075-2038 (B)
39 FR 30784 - 8/23/74
Mod. #1 - 40 FR 15275 - 4/4/75
(D) - See Adams County
(R) - See Clermont County
(H, Hw) - See Statewide

OHIO (Cont'd)

HANCOCK COUNTY
Decision #075-2037 (B)
39 FR 41105 - 11/22/74
Mod. #1 - 40 FR 15276 - 4/4/75
(H, Hw) - See Statewide
HARDIN COUNTY
(H, Hw) - See Statewide
HARRISON COUNTY
(H, Hw) - See Statewide
HENRY COUNTY
(H, Hw) - See Statewide
HIGHLAND COUNTY
(H, Hw) - See Statewide
HOCKING COUNTY
(H, Hw) - See Statewide
HULMES COUNTY
(H, Hw) - See Statewide
HUNTER COUNTY
(B) - See Erie County
(H, Hw) - See Statewide
JACKSON COUNTY
(H, Hw) - See Statewide
JEFFERSON COUNTY
(H, Hw) - See Statewide
KNOW COUNTY
(H, Hw) - See Statewide
LAKE COUNTY
(B, R) - See Cuyahoga County
(D) - See Ashtabula County
(H, Hw) - See Statewide
LAWRENCE COUNTY
(D) - See Adams County
(H, Hw) - See Statewide
LICKING COUNTY
Decision #075-2039 (B)
39 FR 30786 - 8/23/74
Mod. #1 - 40 FR 15492 - 4/11/75
Mod. #2 - 40 FR 27416 - 6/27/75
(H, Hw) - See Statewide
(R) - See Delaware County
LOGAN COUNTY
(H, Hw) - See Statewide
LOUIS COUNTY
Decision #075-2040 (B, R)
39 FR 30663 - 8/23/74
Mod. #1 - 40 FR 15493 - 4/11/75
(D) - See Ashtabula County
(H, Hw) - See Statewide
LUCAS COUNTY
Decision #075-2060 (B)
40 FR 17529 - 4/18/75
(D) - See Ashtabula County
(H, Hw) - See Statewide
MADISON COUNTY
(B) - See Franklin County
(R) - See Delaware County
(H, Hw) - See Statewide

WILSON, D. (cont'd)

CRAIG COUNTY
(H.W.) - See Statewide

CREEK COUNTY
(B) - See Tulsa County

CUSTER COUNTY
(H.W.) - See Statewide

DELAWARE COUNTY
(H.W.) - See Statewide

DENVER COUNTY
(H.W.) - See Statewide

ELLIS COUNTY
(H.W.) - See Statewide

GARFIELD COUNTY
Decision OK'67-4133 (8)
40 FR 31558 - 7/25/73
Mod. #1 - 40 FR 41353

HARRISON COUNTY
(H.W.) - See Statewide

HARTMAN COUNTY
(H.W.) - See Statewide

HENDERSON COUNTY
(B) - See Canadian County

HILL COUNTY
(H.W.) - See Statewide

HOLMES COUNTY
(H.W.) - See Statewide

JACKSON COUNTY
(H.W.) - See Statewide

JEFFERSON COUNTY
(H.W.) - See Statewide

JOHNSTON COUNTY
(H.W.) - See Statewide

KAY COUNTY
(H.W.) - See Statewide

KIMFISHER COUNTY
(B) - See Canadian County

KIOWA COUNTY
(H.W.) - See Statewide

LATIMER COUNTY
(H.W.) - See Statewide

LEFLORE COUNTY
(H.W.) - See Statewide

LINCOLN COUNTY
(H.W.) - See Statewide

LOGAN COUNTY
(B) - See Canadian County

LOWE COUNTY
(H.W.) - See Statewide

ADAMS COUNTY
Decision #PA75-3067 (H, Hw)
40 FR 29519 - 7/11/75
Decision #AR-2099 (B)
39 FR 44931 - 12/27/74
Mod. #1 - 40 FR 4790 - 1/31/75
Mod. #2 - 40 FR 5886 - 2/7/75
Mod. #3 - 40 FR 15282 - 4/4/75
Mod. #4 - 40 FR 22740 - 5/23/75
Mod. #5 - 40 FR 25332 - 6/13/75
Mod. #6 - 40 FR 29449 - 7/11/75
ALLEGANY COUNTY
Decision #PA75-3071 (B)
40 FR 36936 - 8/22/75
Decision #PA75-3070 (B)
40 FR 30433 - 7/18/75
Mod. #1 - 40 FR 34555 - 8/15/75
ARMSTRONG COUNTY
Decision #PA75-3029 (H, Hw)
40 FR 15318 - 4/4/75
Mod. #1 - 40 FR 17471 - 4/18/75
Mod. #2 - 40 FR 19332 - 5/2/75
Mod. #3 - 40 FR 31447 - 7/25/75
Decision #PA75-3073 (B)
40 FR 36943 - 8/22/75
BEAVER COUNTY
Decision #PA75-3026 (H, Hw)
40 FR 14266 - 3/28/75
Mod. #1 - 40 FR 17467 - 4/18/75
Mod. #2 - 40 FR 31444 - 7/25/75
Mod. #3 - 40 FR 36940 - 8/22/75
Decision #PA75-3074 (B)
40 FR 36946 - 8/22/75
BEDFORD COUNTY
Decision #PA75-3028 (H, Hw)
40 FR 15313 - 4/4/75
Mod. #1 - 40 FR 17468 - 4/18/75
Mod. #2 - 40 FR 31445 - 7/25/75
Decision #PA75-3072 (B)
40 FR 36940 - 8/22/75
BERKS COUNTY
Decision #PA75-3055 (B)
40 FR 27436 - 6/27/75
Mod. #1 - 40 FR 29452 - 7/11/75
(H, Hw) - See Adams County

BLAIR COUNTY
Decision #PA75-3057 (B)
40 FR 23686 - 5/30/75
Mod. #1 - 40 FR 31450 - 7/25/75
(H, Hw) - See Armstrong County
BRADFORD COUNTY
(H, Hw) - See Adams County
BUCKS COUNTY
Decision #PA75-3082 (B)
40 FR 36976 - 8/22/75
Decision #PA75-3087 (B)
40 FR 40031 - 8/27/75
Decision #PA75-3088 (H, Hw)
40 FR 36992 - 8/22/75
BUTLER COUNTY
Decision #PA75-3080 (B)
40 FR 36968 - 8/22/75
Decision #PA75-3051 (H, Hw)
40 FR 17583 - 4/18/75
Mod. #1 - 40 FR 31449 - 7/25/75
CAMBRIA COUNTY
Decision #PA75-3059 (B)
40 FR 28361 - 7/3/75
Mod. #1 - 40 FR 31451 - 7/25/75
(H, Hw) - See Butler County
CAMERON COUNTY
Decision #PA75-3121 (B)
40 FR 12947 - 3/21/75
Mod. #1 - 40 FR 15282 - 4/4/75
Mod. #2 - 40 FR 16495 - 4/11/75
Mod. #3 - 40 FR 22741 - 5/23/75
(H, Hw) - See Bedford County
CARBON COUNTY
(H, Hw) - See Adams County
CENTRE COUNTY
Decision #AQ-2061 (H, Hw)
39 FR 6008 - 2/15/74
Mod. #1 - 39 FR 9357 - 3/8/74
Mod. #2 - 39 FR 14121 - 4/19/74
Mod. #3 - 39 FR 22373 - 6/23/74
Mod. #4 - 39 FR 33618 - 9/20/74
CHESTER COUNTY
(H, Hw, R) - See Bucks County

CHESTER COUNTY (Cont'd.)
Decision #PA75-3053 (B)
40 FR 36980 - 8/22/75
CLARION COUNTY
(B) - See Cameron County
(H, Hw) - See Bedford County
COLLIER COUNTY
(H, Hw) - See Adams County
CRAMFORD COUNTY
Decision #AR-2093 (B)
39 FR 44928 - 12/27/74
Mod. #1 - 40 FR 12112 - 4/4/75
Mod. #2 - 40 FR 12113 - 5/23/75
Mod. #3 - 40 FR 12113 - 7/25/75
(H, Hw) - See Armstrong County
CUMBERLAND COUNTY
Decision #PA75-3027 (B)
40 FR 14268 - 3/28/75
Mod. #1 - 40 FR 12113 - 5/23/75
Mod. #2 - 40 FR 23451 - 7/11/75
(H, Hw) - See Adams County
DELAWARE COUNTY
Decision #PA75-3022 (B)
40 FR 36983 - 8/22/75
(H, Hw, R) - See Bucks County
ELK COUNTY
Decision #PA75-3023 (B)
40 FR 28358 - 7/3/75
Mod. #1 - 40 FR 12113 - 5/23/75
(H, Hw) - See Bedford County
ERIE COUNTY
Decision #PA75-3024 (B)
40 FR 28355 - 7/3/75
Mod. #1 - 40 FR 12113 - 5/23/75
(H, Hw) - See Butler County
FAVETTE COUNTY
(B) - See Butler County
(H, Hw) - See Butler County
FOREST COUNTY
Decision #PA75-3075 (B)
40 FR 36961 - 8/22/75

FRANKLIN COUNTY
Decision #AR-2001 (B)
39 FR 24803 - 7/5/74
Mod. #1 - 39 FR 26562 - 7/15/74
Mod. #2 - 39 FR 28010 - 8/2/74
Mod. #3 - 39 FR 40406 - 11/15/74
Mod. #4 - 39 FR 44157 - 12/20/74
(H, Hw) - See Bedford County
FULTON COUNTY
(H, Hw) - See Bedford County
GREENE COUNTY
(H, Hw) - See Centre County
HUNTINGDON COUNTY
(H, Hw) - See Bedford County
INDIANA COUNTY
Decision #PA75-3075 (B)
40 FR 36949 - 8/22/75
(H, Hw) - See Armstrong County
JEFFERSON COUNTY
(B) - See Cameron County
(H, Hw) - See Centre County
JUNIATA COUNTY
(B) - See Cumberland County
(H, Hw) - See Adams County
LACAWANNA COUNTY
Decision #PA75-3056 (B)
40 FR 25401 - 6/13/75
Mod. #1 - 40 FR 223452 - 7/11/75
LANCASTER COUNTY
Decision #AR-2030 (B)
39 FR 31857 - 8/30/74
Mod. #1 - 39 FR 40406 - 11/15/74
Mod. #2 - 39 FR 44912 - 12/27/74
Mod. #3 - 40 FR 47693 - 1/31/75
Mod. #4 - 40 FR 5986 - 2/7/75
Mod. #5 - 40 FR 14215 - 3/28/75
Mod. #6 - 40 FR 22739 - 5/23/75
Mod. #7 - 40 FR 29448 - 7/11/75
(H, Hw) - See Adams County
LAWRENCE COUNTY
Decision #AR-2045 (B)
39 FR 37345 - 10/18/74
Mod. #1 - 39 FR 44913 - 12/27/74
Mod. #2 - 40 FR 15280 - 4/4/75
Mod. #3 - 40 FR 28310 - 7/3/75
Mod. #4 - 40 FR 31441 - 7/25/75
(H, Hw) - See Butler County

NOTICES

STATEWIDE
Decision #C175-5045 (D)
40 FR 15294 - 4/4/75

BRISTOL COUNTY
Decision #B175-2031 (B, H, Hw, R, & Marine)
40 FR 6128 - 2/7/75

Mod. #1 - 40 FR 12017 - 3/14/75
Mod. #2 - 40 FR 28311 - 7/3/75
Mod. #3 - 40 FR 32553 - 8/1/75
Mod. #4 - 40 FR 36900 - 8/22/75
(D) - See Statewide

KENT COUNTY
(B, H, Hw, & Marine) - See Bristol County

(D) - See Statewide

NEWPORT COUNTY
Decision #N175-2090 (B, H, Hw, R, & Marine)
40 FR 28364 - 7/3/75

Mod. #1 - 40 FR 31451 - 7/25/75
Mod. #2 - 40 FR 32553 - 8/1/75
(D) - See Statewide

PROVIDENCE COUNTY
(D) - See Statewide

(B, H, Hw, R, & Marine) - See Bristol County

WASHINGTON COUNTY
Decision #W175-2091 (B, H, Hw, R, & Marine)
40 FR 29523 - 7/11/75

Mod. #1 - 40 FR 32554 - 8/1/75
(D) - See Statewide

STATEWIDE
Decision #SC75-1031 (H, Hw)
40 FR 12058 - 3/14/75

Mod. #1 - 40 FR 41355 - 5/5/75
Decision #SC75-1079 (Sewer & Water, H)
40 FR 41380 - 9/5/75

Decision #P-157 (Sewer & Water)
39 FR 4619 - 2/16/73

ABBEVILLE COUNTY
Decision #A-4003 (B)
39 FR 26554 - 7/19/74

(Sewer & Water, H, Hw) - See Statewide

AIKEN COUNTY
Decision #SC75-1029 (R)
40 FR 10900 - 3/7/75

(Sewer & Water, H, Hw) - See Statewide

ALLEDALE COUNTY
Decision #SC75-1045 (R)
40 FR 16636 - 4/11/75

(Sewer & Water, H, Hw) - See Statewide

ANDERSON COUNTY
Decision #SC75-1004 (R)
40 FR 3154 - 1/17/75

(Sewer & Water, H, Hw) - See Statewide

BAMBERG COUNTY
(R) - See Allendale County

(Sewer & Water, H, Hw) - See Statewide

BARNWELL COUNTY
(R) - See Aiken County

(Sewer & Water, H, Hw) - See Statewide

BEAUFORT COUNTY
Decision #SC75-1026 (B)
40 FR 8692 - 2/28/75

Decision #B075-3003 (D)
40 FR 3054 - 1/17/75

Mod. #1 - 40 FR 14204 - 3/28/75
(Sewer & Water, H, Hw) - See Statewide

BERKELEY COUNTY
(D) - See Beaufort County

(Sewer & Water, H, Hw) - See Statewide

Decision #SC75-1021 (R)
40 FR 7859 - 2/21/75

Decision #SC75-1055 (B)
40 FR 22785 - 5/23/75

Mod. #1 - 40 FR 25336 - 6/13/75

CALHOUN COUNTY
(R) - See Allendale County

(Sewer & Water, H, Hw) - See Statewide

CHARLESTON COUNTY
(B, R) - See Berkeley County

(D) - See Beaufort County

(Sewer & Water, H, Hw) - See Statewide

CHESTER COUNTY
Decision #SC75-1017 (R)
40 FR 4785 - 1/31/75

Mod. #1 - 40 FR 12017 - 3/14/75
(B) - See Abbeville County

(Sewer & Water, H, Hw) - See Statewide

CHESTER COUNTY
Decision #A-4009 (B)
39 FR 25778 - 7/12/74

(Sewer & Water, H, Hw) - See Statewide

CHESFIELD COUNTY
(Sewer & Water, H, Hw) - See Statewide

CLAREMONT COUNTY
Decision #A-4052 (R)
33 FR 39571 - 11/8/74

(Sewer & Water, H, Hw) - See Statewide

COLLETON COUNTY
(D) - See Beaufort County

(Sewer & Water, H, Hw) - See Statewide

Decision #A-4052 (R)
39 FR 39571 - 11/8/74

DARLINGTON COUNTY
Decision #SC75-1041 (B)
40 FR 14194 - 3/28/75

(R) - See Clarendon County

(Sewer & Water, H, Hw) - See Statewide

DORCHESTER COUNTY
(R) - See Berkeley County

EDGEFIELD COUNTY
(R) - See Aiken County

(Sewer & Water, H, Hw) - See Statewide

FAIRFIELD COUNTY
(B) - See Chester County

(Sewer & Water, H, Hw) - See Statewide

FLORENCE COUNTY
(R) - See Clarendon County

(Sewer & Water, H, Hw) - See Statewide

GEORGETOWN COUNTY
(D) - See Beaufort County

(Sewer & Water, H, Hw) - See Statewide

GREENVILLE COUNTY
Decision #SC75-1038 (B)
40 FR 12951 - 3/21/75

Mod. #1 - 40 FR 16495 - 4/11/75

(R) - See Anderson County

(Sewer & Water, H, Hw) - See Statewide

GREENWOOD COUNTY
(Sewer & Water, H, Hw) - See Statewide

HARTLEY COUNTY
(Sewer & Water, H, Hw) - See Statewide

HOBBS COUNTY
(D) - See Beaufort County

(Sewer & Water, H, Hw) - See Statewide

JASPER COUNTY
(D) - See Beaufort County

(Sewer & Water, H, Hw) - See Statewide

KEROLAN COUNTY
(Sewer & Water, H, Hw) - See Statewide

SOUTH CAROLINA (Cont'd.)

LANCASTER COUNTY
(B) - See Chester County
(Sewer & Water, H, Hw) - See Statewide

LAURENS COUNTY
(B) - See Abbeville County
(Sewer & Water, H, Hw) - See Statewide

LEE COUNTY
(R) - See Clarendon County
(Sewer & Water, H, Hw) - See Statewide

LEXINGTON COUNTY
Decision #A8-4004 (R)
39 FR 24779 - 7/7/74
Decision #S275-1042 (B)
40 FR 14271 - 3/28/75
(Sewer & Water, H, Hw) - See Statewide

MCCLINTOCK COUNTY
(Sewer & Water, H, Hw) - See Statewide

MARION COUNTY
(R) - See Clarendon County
(Sewer & Water, H, Hw) - See Statewide

MARLBORO COUNTY
(R) - See Clarendon County
(Sewer & Water, H, Hw) - See Statewide

MCDONALD COUNTY
(B) - See Abbeville County
(Sewer & Water, H, Hw) - See Statewide

OCONEE COUNTY
(R) - See Anderson County
(Sewer & Water, H, Hw) - See Statewide

ORANGEBURG COUNTY
(Sewer & Water, H, Hw) - See Statewide

PICKENS COUNTY
(R) - See Anderson County
(Sewer & Water, H, Hw) - See Statewide

RICHLAND COUNTY
(B, R) - See Lexington County
(Sewer & Water, H, Hw) - See Statewide

SALUDA COUNTY
(R) - See Cherokee County
(Sewer & Water, H, Hw) - See Statewide

SPARTANBURG COUNTY
(R) - See Cherokee County
(Sewer & Water, H, Hw) - See Statewide

SUMTER COUNTY
Decision #A9-4097 (B)
39 FR 12581 - 4/5/74
(Sewer & Water, H, Hw) - See Statewide

UNION COUNTY
(R) - See Cherokee County
(Sewer & Water, H, Hw) - See Statewide

WILLIAMSBURG COUNTY
(R) - See Clarendon County
(Sewer & Water, H, Hw) - See Statewide

YORK COUNTY
(Sewer & Water, H, Hw) - See Statewide

SOUTH DAKOTA

STATEWIDE
Decision #S075-5013 (H, Hw)
40 FR 4858 - 1/31/75

AURORA COUNTY
(H, Hw) - See Statewide

BEADLE COUNTY
(H, Hw) - See Statewide

BENNET COUNTY
(H, Hw) - See Statewide

BON HOMO COUNTY
(H, Hw) - See Statewide

BROOKINGS COUNTY
(H, Hw) - See Statewide

BROWN COUNTY
(H, Hw) - See Statewide

BRULE COUNTY
(H, Hw) - See Statewide

BUFFALO COUNTY
(H, Hw) - See Statewide

BUTTE COUNTY
(H, Hw) - See Statewide

CAMPBELL COUNTY
(H, Hw) - See Statewide

CHARLES MIX COUNTY
(H, Hw) - See Statewide

CLARK COUNTY
(H, Hw) - See Statewide

CLAY COUNTY
(H, Hw) - See Statewide

COCONUTS COUNTY
(H, Hw) - See Statewide

CORSON COUNTY
(H, Hw) - See Statewide

DEUEL COUNTY
(H, Hw) - See Statewide

DEWEY COUNTY
(H, Hw) - See Statewide

DOUGLAS COUNTY
(H, Hw) - See Statewide

EDWARDS COUNTY
(H, Hw) - See Statewide

FALL RIVER COUNTY
(H, Hw) - See Statewide

FAULK COUNTY
(H, Hw) - See Statewide

GRANT COUNTY
(H, Hw) - See Statewide

SOUTH DAKOTA (Cont'd.)

GREGORY COUNTY
(H, Hw) - See Statewide

HAMMON COUNTY
(H, Hw) - See Statewide

HAMLIN COUNTY
(H, Hw) - See Statewide

HAND COUNTY
(H, Hw) - See Statewide

HANSON COUNTY
(H, Hw) - See Statewide

HARDING COUNTY
(H, Hw) - See Statewide

HUGHES COUNTY
(H, Hw) - See Statewide

HUTCHINSON COUNTY
(H, Hw) - See Statewide

HYDE COUNTY
(H, Hw) - See Statewide

JACKSON COUNTY
(H, Hw) - See Statewide

JERARD COUNTY
(H, Hw) - See Statewide

JONES COUNTY
(H, Hw) - See Statewide

KINGSBURY COUNTY
(H, Hw) - See Statewide

LAKE COUNTY
(H, Hw) - See Statewide

LAWRENCE COUNTY
(H, Hw) - See Statewide

LINCOLN COUNTY
(H, Hw) - See Statewide

LYMAN COUNTY
(H, Hw) - See Statewide

TENNESSEE (Cont'd.)

CLAY COUNTY
(F, Hw) - See Statewide
COCKE COUNTY
(F, Hw) - See Statewide
COFFEY COUNTY
(F, Hw) - See Statewide
CROCKETT COUNTY
(B) - See Carroll County
(F, Hw) - See Statewide
CURTIS COUNTY
(F, Hw) - See Statewide
DAVIDSON COUNTY
Decision #17175-1057 (B)
Mod. #1 - 40 FR 30307 - 7/18/75
Mod. #2 - 40 FR 36900 - 8/22/75
(R) - See Cheatham County
(F, Hw) - See Statewide
DECATUR COUNTY
(F, Hw) - See Statewide
DEKALB COUNTY
(F, Hw) - See Statewide
DICKSON COUNTY
(F, Hw) - See Statewide
(R) - See Cheatham County
DYER COUNTY
Decision #17175-1074 (R)
40 FR 33645 - 8/8/75
Decision #40-4073 (B)
39 FR 5947 - 2/15/74
Mod. #1 - 39 FR 9357 - 3/8/74
(F, Hw) - See Statewide
(D) - See Carroll County
FAYETTE COUNTY
(D) - See Carroll County
(F, Hw) - See Statewide
FERRELL COUNTY
(F, Hw) - See Statewide
FRANKLIN COUNTY
(F, Hw) - See Statewide
GIBSON COUNTY
(D) - See Carroll County
(F, Hw) - See Statewide
(R) - See Dyer County

TENNESSEE

STATEWIDE
Decision #17175-5074 (F)
40 FR 26169 - 6/20/75
Decision #112-4056 (Hw)
40 FR 940 - 1/3/75
ANDERSON COUNTY
Decision #17175-1053 (B) (Oak Ridge, Energy
Research Development Administration Only)
40 FR 24464 - 6/6/75
Mod. #1 - 40 FR 31452 - 7/25/75
(Hw) - See Statewide
(F) - See Statewide
BEFORD COUNTY
(F, Hw) - See Statewide
BENTON COUNTY
(F, Hw) - See Statewide
BLEDSOE COUNTY
(F, Hw) - See Statewide
BLOUNT COUNTY
(F, Hw) - See Statewide
BOATLEY COUNTY
(F, Hw) - See Statewide
CAMPBELL COUNTY
(F, Hw) - See Statewide
CANNON COUNTY
(F, Hw) - See Statewide
CARROLL COUNTY
Decision #17175-1060 (B)
40 FR 30434 - 7/18/75
Decision #40-4128 (R)
39 FR 27397 - 7/25/74
(F, Hw) - See Statewide
CARTER COUNTY
Decision #17175-1060 (B)
40 FR 30434 - 7/18/75
Decision #40-4128 (R)
39 FR 24198 - 6/28/74
(F, Hw) - See Statewide
CHEATHAM COUNTY
Decision #40-4061 (R)
39 FR 3426 - 1/25/74
Mod. #1 - 40 FR 7000 - 2/21/75
(F, Hw) - See Statewide
CHESTER COUNTY
(F, Hw) - See Statewide
CLAIBORNE COUNTY
(F, Hw) - See Statewide

SOUTH DAKOTA (Cont'd.)

TODD COUNTY
(H, Hw) - See Statewide
TRIPP COUNTY
(H, Hw) - See Statewide
TURNER COUNTY
(H, Hw) - See Statewide
UNION COUNTY
(H, Hw) - See Statewide
WALLACE COUNTY
(H, Hw) - See Statewide
WASHINGTON COUNTY
(H, Hw) - See Statewide
YANKTON COUNTY
(H, Hw) - See Statewide
ZIEBACH COUNTY
(H, Hw) - See Statewide

SOUTH DAKOTA (Cont'd.)

WASHTON COUNTY
(H, Hw) - See Statewide
MC CORMICK COUNTY
(H, Hw) - See Statewide
MC PHERSON COUNTY
(H, Hw) - See Statewide
MC NEIL COUNTY
Decision #5075-5112 (B)
40 FR 41381 - 9/5/75
(H, Hw) - See Statewide
MELLETTE COUNTY
(H, Hw) - See Statewide
MILLER COUNTY
(H, Hw) - See Statewide
MONTGOMERY COUNTY
Decision #5075-5043 (B)
40 FR 15226 - 4/4/75
(H, Hw) - See Statewide
Decision #40-1091 (B)
39 FR 8146 - 3/1/74
Mod. #1 - 39 FR 14856 - 4/26/74
(H, Hw) - See Statewide
MOODY COUNTY
(H, Hw) - See Statewide
PENNINGTON COUNTY
(B) - See Meade County
(H, Hw) - See Statewide
PERKINS COUNTY
(H, Hw) - See Statewide
POTTER COUNTY
(H, Hw) - See Statewide
ROBERTS COUNTY
(H, Hw) - See Statewide
SANDHORN COUNTY
(H, Hw) - See Statewide
SPENCER COUNTY
(H, Hw) - See Statewide
SPRING COUNTY
(H, Hw) - See Statewide
STANLEY COUNTY
(H, Hw) - See Statewide
SULLY COUNTY
(H, Hw) - See Statewide

UNION COUNTY
(F, Hw) - See Statewide
UNION COUNTY
(F, Hw) - See Statewide
VAN BUREN COUNTY
(F, Hw) - See Statewide
WABSEN COUNTY
(F, Hw) - See Statewide
WASHINGTON COUNTY
(B) - See Carter County
(R) - See Carter County
(F, Hw) - See Statewide
WAYNE COUNTY
(F, Hw) - See Statewide
WEAVER COUNTY
(R) - See Oyer County
(D) - See Carroll County
(F, Hw) - See Statewide
WHITE COUNTY
(F, Hw) - See Statewide
WILLIAMSON COUNTY
(F, Hw) - See Statewide
(R) - See Cheatham County
WILSON COUNTY
(F, Hw) - See Statewide
(R) - See Cheatham County

STATEMIDE (Excluding Dallas-Fort Worth
Regional Airport)
Decision #TX75-4086 (H) (Excluding tunnels
and dams), Hw
Incidental shore work, and paving and
utilities incidental to general
building construction)
40 FR 21667 - 5/16/75
ANDERSON COUNTY
(H, Hw) - See Statewide
ANDREWS COUNTY
(H, Hw) - See Statewide
ANGELINA COUNTY
(H, Hw) - See Statewide
ARANSAS COUNTY
(H, Hw) - See Statewide
Decision #AR-4013 (D)
39 FR 27397 - 7/25/74
ARCHER COUNTY
(H, Hw) - See Statewide
ARMSTRONG COUNTY
Decision #TX75-4135 (B)
40 FR 31569 - 7/25/75
Decision #TX75-4118 (R)
40 FR 29529 - 7/11/75
Mod. #1 - 40 FR 31454 - 7/25/75
ATASCOSA COUNTY
(H, Hw) - See Statewide
(H, Hw) - See Statewide
AUSTIN COUNTY
(H, Hw) - See Statewide
BAILEY COUNTY
(H, Hw) - See Statewide
Decision #TX75-4003 (R)
40 FR 3158 - 1/17/75
BANDERA COUNTY
(H, Hw) - See Statewide
BASTROP COUNTY
Decision #AR-1 (R)
39 FR 24809 - 7/5/74
(H, Hw) - See Statewide
BAYLOR COUNTY
(H, Hw) - See Statewide
BEE COUNTY
Decision #TX75-4004 (R)
40 FR 3160 - 1/17/75
(H, Hw) - See Statewide
BELL COUNTY
(H, Hw) - See Statewide
Decision #TX75-4110 (B)
40 FR 23692 - 5/30/75
Mod. #1 - 40 FR 26187 - 6/20/75
Mod. #2 - 40 FR 29453 - 7/11/75
Mod. #3 - 40 FR 30388 - 7/18/75
Mod. #4 - 40 FR 31453 - 7/25/75

BEAR COUNTY
Decision #TX75-4109 (R)
40 FR 23690 - 5/30/75
(H, Hw) - See Statewide
Decision #AR-45 (B)
39 FR 34015 - 9/20/74
Mod. #1 - 39 FR 35915 - 10/4/74
Mod. #2 - 39 FR 35675 - 11/8/74
Mod. #3 - 39 FR 44158 - 12/20/74
BLANCO COUNTY
(H, Hw) - See Statewide
(R) - See Bastrop County
BORDEN COUNTY
(H, Hw) - See Statewide
BOSSQUE COUNTY
(B) - See Bell County
(H, Hw) - See Statewide
BOWIE COUNTY
Decision #TX75-4104 (B)
40 FR 22795 - 5/23/75
Mod. #1 - 40 FR 30388 - 7/18/75
Mod. #2 - 40 FR 31453 - 7/25/75
Mod. #3 - 40 FR 33578 - 8/8/75
Mod. #4 - 40 FR 36902 - 8/22/75
(H, Hw) - See Statewide
BRAZORIA COUNTY
(H, Hw) - See Statewide
Decision #AR-11 (R)
39 FR 25910 - 8/16/74
(D) - See Aransas County
BRAZOS COUNTY
Decision #TX75-4106 (B)
40 FR 22799 - 5/23/75
Mod. #1 - 40 FR 24451 - 6/6/75
Mod. #2 - 40 FR 29453 - 7/11/75
Mod. #3 - 40 FR 31453 - 7/25/75
Mod. #4 - 40 FR 36902 - 8/22/75
(H, Hw) - See Statewide
BREWSTER COUNTY
(H, Hw) - See Statewide
BROOKS COUNTY
(H, Hw) - See Statewide
BROOKS COUNTY
(H, Hw) - See Statewide
BROWN COUNTY
(H, Hw) - See Statewide
BROWN COUNTY
(H, Hw) - See Statewide
BROWN COUNTY
(H, Hw) - See Statewide
BROWN COUNTY
(H, Hw) - See Statewide
CALDWELL COUNTY
(H, Hw) - See Statewide
(H, Hw) - See Statewide
CALLAHAN COUNTY
(H, Hw) - See Statewide
CALLAHAN COUNTY
(D) - See Aransas County
CALLAHAN COUNTY
(H, Hw) - See Statewide

TEXAS (Cont'd)

CAMERON COUNTY
Decision #TX75-4091 (B)
40 FR 21681 - 5/16/75
Mod. #1 - 40 FR 30387 - 7/18/75
(H, Hw) - See Statewide
Decision #TX75-4093 (B)
40 FR 21683 - 5/16/75
CAMP COUNTY
(H, Hw) - See Statewide
CARSON COUNTY
(B, R) - See Armstrong County
(H, Hw) - See Statewide
CASS COUNTY
(H, Hw) - See Statewide
CASTRO COUNTY
(B, R) - See Armstrong County
(H, Hw) - See Statewide
CHAMBERS COUNTY
(H, Hw) - See Statewide
(D) - See Aransas County
CHEROKEE COUNTY
(H, Hw) - See Statewide
CHILDRESS COUNTY
(B, R) - See Armstrong County
(H, Hw) - See Statewide
CLAY COUNTY
(H, Hw) - See Statewide
COCHRAN COUNTY
(H, Hw) - See Statewide
(R) - See Bailey County
COKE COUNTY
(H, Hw) - See Statewide
COLEMAN COUNTY
(H, Hw) - See Statewide
COLLIN COUNTY
Decision #40-87 (R)
39 FR 10106 - 3/15/74
Decision #TX75-4102 (B-excluding Dallas-Fort Worth Regional Airport)
40 FR 22791 - 5/23/75
Mod. #1 - 40 FR 35901 - 8/22/75
(H, Hw) - See Statewide
COLLINGSWORTH COUNTY
(B, R) - See Armstrong County
(H, Hw) - See Statewide
COLORADO COUNTY
(H, Hw) - See Statewide
COMAL COUNTY
(H, Hw) - See Statewide
COMANCHE COUNTY
(H, Hw) - See Statewide
CONCHO COUNTY
(H, Hw) - See Statewide
COOKE COUNTY
(H, Hw) - See Statewide
CORRELL COUNTY
(B) - See Bell County
(H, Hw) - See Statewide
COTTLE COUNTY
(H, Hw) - See Statewide

TEXAS (Cont'd)

CRANE COUNTY
(H, Hw) - See Statewide
Decision #TX75-4006 (R)
40 FR 3163 - 1/17/75
CROCKETT COUNTY
(H, Hw) - See Statewide
CROSSBY COUNTY
(R) - See Bailey County
CULBERSON COUNTY
(H, Hw) - See Statewide
DALLAM COUNTY
(R) (B) - See Armstrong County
(H, Hw) - See Statewide
DALLAS COUNTY
(B, R) - See Collin County
(H, Hw) - See Statewide
DANSON COUNTY
(H, Hw) - See Statewide
DEAF SMITH COUNTY
(H, Hw) - See Statewide
(B, R) - See Armstrong County
DELTA COUNTY
(H, Hw) - See Statewide
DENTON COUNTY
(B, R) - See Collin County
(H, Hw) - See Statewide
DE WITT COUNTY
(H, Hw) - See Statewide
DICKENS COUNTY
(H, Hw) - See Statewide
DIMMIT COUNTY
Decision #TX75-4010 (B, R)
40 FR 3172 - 1/17/75
(H, Hw) - See Statewide
DOWNEY COUNTY
(B, R) - See Armstrong County
(H, Hw) - See Statewide
DUVAL COUNTY
(H, Hw) - See Statewide
EASTLAND COUNTY
(H, Hw) - See Statewide
ECTOR COUNTY
(H, Hw) - See Statewide
(B) - See Crane County
EDWARDS COUNTY
(H, Hw) - See Statewide
ELLIS COUNTY
(B, R) - See Collin County
(H, Hw) - See Statewide
EL PASO COUNTY
Decision #TX75-4114 (B)
40 FR 26240 - 6/20/75
Mod. #1 - 40 FR 25453 - 7/11/75
Mod. #2 - 40 FR 35303 - 7/18/75
Mod. #3 - 40 FR 31453 - 7/25/75
(H, Hw) - See Statewide
ERBAIN COUNTY
(H, Hw) - See Statewide

TEXAS (Cont'd)

FALLS COUNTY
(B) - See Bell County
(H, Hw) - See Statewide
FANNIN COUNTY
(H, Hw) - See Statewide
FAYETTE COUNTY
(H, Hw) - See Statewide
(R) - See Bastrop County
FISHER COUNTY
(H, Hw) - See Statewide
FLOYD COUNTY
(H, Hw) - See Statewide
FOARD COUNTY
(H, Hw) - See Statewide
FORT BEND COUNTY
(R) - See Brazoria County
(H, Hw) - See Statewide
FRANKLIN COUNTY
(H, Hw) - See Statewide
FREESTONE COUNTY
(H, Hw) - See Statewide
FRIO COUNTY
(H, Hw) - See Statewide
GRIMES COUNTY
(H, Hw) - See Statewide
GALVESTON COUNTY
(R) - See Brazoria County
(D) - See Aransas County
(H, Hw) - See Statewide
Decision #TX75-4154 (B)
40 FR 35956 - 8/22/75
GARZA COUNTY
(R) - See Bailey County
(H, Hw) - See Statewide
GILLESPIE COUNTY
(H, Hw) - See Statewide
GLASSBORO COUNTY
(H, Hw) - See Statewide
GOLIAD COUNTY
(H, Hw) - See Statewide
GONZALES COUNTY
(H, Hw) - See Statewide
GRAY COUNTY
(B, R) - See Armstrong County
(H, Hw) - See Statewide
GREEN COUNTY
(B) - See Collin County
(H, Hw) - See Statewide
Decision #TX75-4092 (B)
40 FR 21582 - 5/16/75
(H, Hw) - See Statewide

TEXAS (Cont'd)

GRIMES COUNTY
(H, Hw) - See Statewide
GUADALUPE COUNTY
(H, Hw) - See Statewide
HALE COUNTY
(R) - See Bailey County
(H, Hw) - See Statewide
HALL COUNTY
(H, Hw) - See Statewide
HAMILTON COUNTY
(H, Hw) - See Statewide
HANSFORD COUNTY
(B, R) - See Armstrong County
(H, Hw) - See Statewide
HARDEN COUNTY
(H, Hw) - See Statewide
HARDIN COUNTY
(H, Hw) - See Statewide
HARRIS COUNTY
(B) - See Galveston County
(R) - See Brazoria County
(D) - See Aransas County
(H, Hw) - See Statewide
HARRISON COUNTY
Decision #TX75-4103 (B)
40 FR 22795 - 5/23/75
Mod. #1 - 40 FR 30388 - 7/18/75
Mod. #2 - 40 FR 31452 - 7/25/75
(H, Hw) - See Statewide
HARTLEY COUNTY
(B, R) - See Armstrong County
(H, Hw) - See Statewide
HASKELL COUNTY
(H, Hw) - See Statewide
HAUS COUNTY
(H, Hw) - See Statewide
(B) - See Bastrop County
HEMPHILL COUNTY
(B, R) - See Armstrong County
(H, Hw) - See Statewide
HENDERSON COUNTY
(H, Hw) - See Statewide
HIDALGO COUNTY
(B, R) - See Cameron County
(H, Hw) - See Statewide
HILL COUNTY
(B) - See Bell County
(H, Hw) - See Statewide
HOCKLEY COUNTY
(R) - See Bailey County
(H, Hw) - See Statewide
HOOD COUNTY
(B) - See Collin County
Decision #TX75-4011 (R)
40 FR 3173 - 1/17/75
(H, Hw) - See Statewide

TEXAS (Cont'd)

HOPKINS COUNTY (H, Hw) - See Statewide
 HOUSTON COUNTY (H, Hw) - See Statewide
 HOWARD COUNTY (H, Hw) - See Statewide
 40 FR 3936 - 1/26/75
 (H, Hw) - See Statewide
 HUDSPETH COUNTY (H, Hw) - See Statewide
 HUNT COUNTY (H, Hw) - See Statewide
 (R) - See Collin County
 (H, Hw) - See Statewide
 HUTCHINSON COUNTY (H, Hw) - See Statewide
 (R) - See Armstrong County
 (H, Hw) - See Statewide
 IRION COUNTY (H, Hw) - See Statewide
 JACK COUNTY (H, Hw) - See Statewide
 JACKSON COUNTY (H, Hw) - See Statewide
 (D) - See Aransas County
 (H, Hw) - See Statewide
 JASPER COUNTY (H, Hw) - See Statewide
 JEFF DAVIS COUNTY (H, Hw) - See Statewide
 JEFFERSON COUNTY (H, Hw) - See Statewide
 Decision #TX75-4117 (B, R)
 40 FR 29527 - 7/11/75
 Mod. #1 - 40 FR 31453 - 7/25/75
 (D) - See Aransas County
 (Hw) - See Statewide
 JIM HOGG COUNTY (H, Hw) - See Statewide
 (B, R) - See Dimitt County
 JIM WELLS COUNTY (H, Hw) - See Statewide
 JOHNSON COUNTY (H, Hw) - See Statewide
 (B) - See Collin County
 (H, Hw) - See Statewide
 (R) - See Hood County
 JONES COUNTY (H, Hw) - See Statewide
 KARNES COUNTY (H, Hw) - See Statewide

TEXAS (Cont'd)

KAUFMAN COUNTY (H, Hw) - See Statewide
 LIBERTY COUNTY (H, Hw) - See Statewide
 LIMESTONE COUNTY (H, Hw) - See Statewide
 LIPSCOMB COUNTY (H, Hw) - See Statewide
 (B) - See Statewide
 (B) - See Armstrong County
 LIVE OAK COUNTY (H, Hw) - See Statewide
 LLANO COUNTY (H, Hw) - See Statewide
 LOVING COUNTY (H, Hw) - See Statewide
 (R) - See Crane County
 LUSBOCK COUNTY (H, Hw) - See Statewide
 (R) - See Bailey County
 (H, Hw) - See Statewide
 Decision #TX75-4094 (B)
 40 FR 21685 - 5/16/75
 Mod. #1 - 40 FR 25186 - 6/20/75
 Mod. #2 - 40 FR 25452 - 7/11/75
 Mod. #3 - 40 FR 30387 - 7/18/75
 Mod. #4 - 40 FR 36901 - 8/22/75
 LYNN COUNTY (H, Hw) - See Statewide
 (R) - See Bailey County
 (H, Hw) - See Statewide
 McCULLOCH COUNTY (H, Hw) - See Statewide
 MCLENNAN COUNTY (H, Hw) - See Statewide
 (B) - See Bell County
 (H, Hw) - See Statewide
 McMULLEN COUNTY (H, Hw) - See Statewide
 MADISON COUNTY (H, Hw) - See Statewide
 MARION COUNTY (H, Hw) - See Statewide
 MARTIN COUNTY (H, Hw) - See Statewide
 (H, Hw) - See Statewide

TEXAS (Cont'd)

MASON COUNTY (H, Hw) - See Statewide
 MATAGORDA COUNTY (H, Hw) - See Statewide
 (R) - See Brazoria County
 (H, Hw) - See Statewide
 (D) - See Aransas County
 MAVERICK COUNTY (H, Hw) - See Statewide
 (B, R) - See Dimitt County
 MEDINA COUNTY (H, Hw) - See Statewide
 MENARD COUNTY (H, Hw) - See Statewide
 MIDLAND COUNTY (H, Hw) - See Statewide
 (R) - See Crane County
 MILAM COUNTY (H, Hw) - See Statewide
 MILLS COUNTY (H, Hw) - See Statewide
 MITCHELL COUNTY (H, Hw) - See Statewide
 MONTAGUE COUNTY (H, Hw) - See Statewide
 MONTGOMERY COUNTY (H, Hw) - See Statewide
 (R) - See Brazoria County
 (H, Hw) - See Statewide
 MOORE COUNTY (H, Hw) - See Statewide
 (R) - See Armstrong County
 MORRIS COUNTY (H, Hw) - See Statewide
 MOTLEY COUNTY (H, Hw) - See Statewide
 NACOGDOCHES COUNTY (H, Hw) - See Statewide
 NAVARRO COUNTY (H, Hw) - See Statewide

TEXAS (Cont'd)

KAUFMAN COUNTY (H, Hw) - See Statewide
 (B, R) - See Collin County
 KENDALL COUNTY (H, Hw) - See Statewide
 KENDRY COUNTY (H, Hw) - See Statewide
 (H, Hw) - See Statewide
 (D) - See Aransas County
 KENT COUNTY (H, Hw) - See Statewide
 KERR COUNTY (H, Hw) - See Statewide
 KIMBLE COUNTY (H, Hw) - See Statewide
 KING COUNTY (H, Hw) - See Statewide
 KINNEY COUNTY (H, Hw) - See Statewide
 KLEBERG COUNTY (H, Hw) - See Statewide
 Decision #TX75-4094 (B)
 40 FR 22757 - 5/16/75
 Mod. #1 - 40 FR 25186 - 6/20/75
 Mod. #2 - 40 FR 25452 - 7/11/75
 Mod. #3 - 40 FR 30387 - 7/18/75
 Mod. #4 - 40 FR 36901 - 8/22/75
 (D) - See Aransas County
 (H, Hw) - See Statewide
 (R) - See Collin County
 KNOX COUNTY (H, Hw) - See Statewide
 LAMAR COUNTY (H, Hw) - See Statewide
 LAMB COUNTY (H, Hw) - See Statewide
 (D) - See Bailey County
 (H, Hw) - See Statewide
 LAMPASAS COUNTY (H, Hw) - See Statewide
 LA SALLE COUNTY (H, Hw) - See Statewide
 (B, R) - See Dimitt County
 (H, Hw) - See Statewide
 LAVACA COUNTY (H, Hw) - See Statewide
 LEE COUNTY (H, Hw) - See Statewide
 (H, Hw) - See Statewide
 (R) - See Bastrop County

TEXAS (Cont'd)

REXTON COUNTY
(H, Hw) - See Statewide
ROLDAN COUNTY
(H, Hw) - See Statewide
ROESES COUNTY
(B) - See Kieberg County
(D) - See Aransas County
(H, Hw) - See Statewide
(R) - See Bee County
CHILTREE COUNTY
(R) (B) - See Armstrong County
(H, Hw) - See Statewide
OLDHAM COUNTY
(R) (B) - See Armstrong County
(H, Hw) - See Statewide
ORANGE COUNTY
(R) (B) - See Jefferson County
(Hw) - See Statewide
(D) - See Aransas County
PALO PINTO COUNTY
(B) - See Collin County
(H, Hw) - See Statewide
(R) - See Hood County
PAROLA COUNTY
(H, Hw) - See Statewide
PARKER COUNTY
(H, Hw) - See Statewide
(R) - See Hood County
PARKER COUNTY
(H, Hw) - See Statewide
PECOS COUNTY
(H, Hw) - See Statewide
(R) - See Crane County
POLK COUNTY
(H, Hw) - See Statewide
POTTER COUNTY
(H, Hw) - See Statewide
(R) (B) - See Armstrong County
PRESTON COUNTY
(H, Hw) - See Statewide
RAINS COUNTY
(H, Hw) - See Statewide
RANSALL COUNTY
(H, Hw) - See Statewide
(B) (R) - See Armstrong County
REAGAN COUNTY
(H, Hw) - See Statewide
(B) (R) - See Cameron County
RED RIVER COUNTY
(H, Hw) - See Statewide

TEXAS (Cont'd)

REEVES COUNTY
(H, Hw) - See Statewide
(R) - See Crane County
REFUGIO COUNTY
(B) - See Aransas County
ROBERTS COUNTY
(H, Hw) - See Statewide
(R) - See Bee County
ROBERTSON COUNTY
(R) (B) - See Armstrong County
ROCKWALL COUNTY
(R) (B) - See Statewide
(H, Hw) - See Collin County
ROUNDEL COUNTY
(H, Hw) - See Statewide
RISK COUNTY
(R) (B) - See Statewide
(Hw) - See Statewide
SABINE COUNTY
(H, Hw) - See Statewide
SAN AUGUSTINE COUNTY
(H, Hw) - See Statewide
SAN JACINTO COUNTY
(H, Hw) - See Statewide
SAN PATRICIO COUNTY
(R) - See Bee County
(D) - See Aransas County
SAN SABA COUNTY
(H, Hw) - See Statewide
SCHLEICHER COUNTY
(H, Hw) - See Statewide
SCURRY COUNTY
(H, Hw) - See Statewide
SHACKLEFORD COUNTY
(H, Hw) - See Statewide
SHELBY COUNTY
(H, Hw) - See Statewide
SHERMAN COUNTY
(H, Hw) - See Statewide
(B) (R) - See Armstrong County
SMITH COUNTY
(H, Hw) - See Statewide
SOMERVELL COUNTY
(H, Hw) - See Statewide
STARR COUNTY
(H, Hw) - See Statewide
(B) (R) - See Cameron County
STEPHENS COUNTY
(H, Hw) - See Statewide

TEXAS (Cont'd)

STERLING COUNTY
(H, Hw) - See Statewide
STONEWALL COUNTY
(H, Hw) - See Statewide
SUDDON COUNTY
(H, Hw) - See Statewide
SUTHER COUNTY
(H, Hw) - See Statewide
(B) (R) - See Armstrong County
TARRANT COUNTY
(B) - See Collin County
(H, Hw) - See Statewide
Decision #A9-117 (R)
39 FR 22400 - 6/21/74
TAYLOR COUNTY
Decision #TX75-4098 (B)
40 FR 22786 - 5/23/75
Mod. #1 - 40 FR 36901 - 8/22/75
(H, Hw) - See Statewide
TERRELL COUNTY
(H, Hw) - See Statewide
TERRELL COUNTY
(H, Hw) - See Statewide
(R) - See Bailey County
THROCKMORTON COUNTY
(H, Hw) - See Statewide
TITUS COUNTY
(H, Hw) - See Statewide
TUN GREEN COUNTY
Decision #TX75-4088 (B)
40 FR 21677 - 5/16/75
Mod. #1 - 40 FR 33578 - 8/18/75
TARRANT COUNTY
Decision #TX75-4101 (B)
40 FR 22789 - 5/23/75
Mod. #2 - 40 FR 29452 - 7/11/75
Mod. #3 - 40 FR 30388 - 7/18/75
Mod. #4 - 40 FR 36901 - 8/22/75
(R) - See Bastrop County
TRINITY COUNTY
(H, Hw) - See Statewide
(H, Hw) - See Statewide
TYLER COUNTY
(H, Hw) - See Statewide
UPSHUR COUNTY
(H, Hw) - See Statewide
UPTON COUNTY
(H, Hw) - See Statewide
(R) - See Crane County
UNALDE COUNTY
(H, Hw) - See Statewide
VAL VERDE COUNTY
(H, Hw) - See Statewide
VAN ZANDT COUNTY
(H, Hw) - See Statewide
VICTORIA COUNTY
(H, Hw) - See Statewide
(D) - See Aransas County

TEXAS (Cont'd)

WALKER COUNTY
(H, Hw) - See Statewide
(B) - See Brazoria County
WALLER COUNTY
(H, Hw) - See Statewide
WARD COUNTY
(H, Hw) - See Statewide
(R) - See Crane County
WASHINGTON COUNTY
(H, Hw) - See Statewide
WEBB COUNTY
(B, R) - See Dimitt County
(H, Hw) - See Statewide
WARTON COUNTY
(H, Hw) - See Statewide
WHEELER COUNTY
(R) (B) - See Armstrong County
(H, Hw) - See Statewide
WICHITA COUNTY
Decision #TX75-4087 (R)
40 FR 21675 - 5/16/75
Decision #TX75-4147 (B)
40 FR 33646 - 8/18/75
(H, Hw) - See Statewide
WILBARGER COUNTY
(H, Hw) - See Statewide
WILLACY COUNTY
(R) (B) - See Cameron County
(H, Hw) - See Statewide
(D) - See Aransas County
WILLIAMSON COUNTY
(H, Hw) - See Statewide
(R) - See Bastrop County
WILSON COUNTY
(H, Hw) - See Statewide
WINNIE COUNTY
(H, Hw) - See Statewide
(R) - See Crane County
WISE COUNTY
(B) - See Collin County
(H, Hw) - See Statewide
(R) - See Hood County
WOOD COUNTY
(H, Hw) - See Statewide
YOGAUM COUNTY
(R) - See Bailey County
(H, Hw) - See Statewide
YOUNG COUNTY
(H, Hw) - See Statewide
ZAPATA COUNTY
(B, R) - See Dimitt County
(H, Hw) - See Statewide
ZAVALA COUNTY
(B, R) - See Dimitt County
(H, Hw) - See Statewide

VIRGINIA (Cont'd)

BRISTOL CITY.
(Hw) - See Bland County
BRUNSWICK COUNTY
(Hw) - See Amelia County
BUCHANAN COUNTY
(Hw) - See Bland County
BUCKINGHAM COUNTY
(Hw) - See Amherst County
BUENA VISTA CITY
(Hw) - See Allegheny County
CAMPBELL COUNTY
(Hw) - See Amherst County
CAROLINE COUNTY
Decision #40-2031 (Hw)
38 FR 33258 - 11/30/73
CARROLL COUNTY
(Hw) - See Bedford County
CHARLES CITY COUNTY
(Hw) - See Amelia County
CHARLOTTE COUNTY
(Hw) - See Amherst County
CHARLOTTESVILLE CITY
(Hw) - See Albemarle County
CHESAPEAKE CITY
Decision #17-5-3005 (B)
40 FR 941 - 1/3/75
Mod. #1 - 40 FR 14217 - 3/28/75
Mod. #2 - 40 FR 17473 - 4/18/75
Mod. #3 - 40 FR 22742 - 5/23/75
Mod. #4 - 40 FR 25485 - 7/11/75
Decision #AP-494 (Hw)
38 FR 7693 - 3/23/73
(D) - See Accomack County
CHESTERFIELD COUNTY
(Hw) - See Amelia County
CLARKE COUNTY
Decision #AP-406 (R)
37 FR 15234 - 7/28/72
Mod. #1 - 40 FR 15284 - 4/4/75
(Hw) - See Allegheny County
CLIFTON FORGE CITY
(Hw) - See Allegheny County
COLONIAL HEIGHTS CITY
(Hw) - See Amelia County
CORTLAND CITY
(Hw) - See Allegheny County
CRAIG COUNTY
(Hw) - See Bedford County

VIRGINIA

ACCOMACK COUNTY
Decision #AP-805 (Hw)
38 FR 11279 - 5/4/73
Mod. #1 - 38 FR 13127 - 5/18/73
Mod. #2 - 40 FR 15284 - 4/4/75
Mod. #3 - 40 FR 23631 - 5/30/75
Decision #8075-3008 (D)
40 FR 3094 - 1/17/75
Mod. #1 - 40 FR 14204 - 3/28/75
ALBEMARLE COUNTY
Decision #AM-1874 (Hw)
36 FR 16342 - 8/20/71
Mod. #1 - 40 FR 15284 - 4/4/75
ALEXANDRIA CITY
Decision #17-5-3062 (B)
40 FR 28203 - 6/20/75
Mod. #1 - 40 FR 28312 - 7/3/75
Mod. #2 - 40 FR 29453 - 7/11/75
Mod. #3 - 40 FR 33579 - 8/8/75
Mod. #4 - 40 FR 40069 - 8/29/75
ALLEGANY COUNTY
Decision #AN-1875 (Hw)
36 FR 16343 - 8/20/71
Mod. #1 - 37 FR 5169 - 3/10/72
Mod. #2 - 40 FR 15284 - 4/4/75
AMELIA COUNTY
Decision #AR-2032 (Hw)
39 FR 31871 - 8/30/74
AMHERST COUNTY
Decision #AQ-2032 (Hw)
38 FR 33259 - 11/30/73
APPOMATTON COUNTY
(Hw) - See Amherst County
ARLINGTON COUNTY
(B) - See Alexandria City
(D) - See Accomack County
AUGUSTA COUNTY
Decision #AW-9320 (B)
37 FR 10267 - 5/19/72
Mod. #1 - 40 FR 15284 - 4/4/75
(Hw) - See Allegheny County
BALD COUNTY
(Hw) - See Allegheny County
BEDFORD CITY
(Hw) - See Bedford County
BEDFORD COUNTY
Decision #AQ-2021 (Hw)
38 FR 27744 - 10/5/73
BLAND COUNTY
Decision #AQ-2020 (Hw)
38 FR 27744 - 10/5/73
Mod. #1 - 40 FR 15285 - 4/4/75
BOTETOWN COUNTY
(Hw) - See Bedford County

UTAH (Cont'd)

STATEWIDE
Decision #UT75-5107 (B, H, Hw)
40 FR 36998 - 8/22/75
BEAVER COUNTY
(B, H, Hw) - See Statewide
BOX ELDER COUNTY
(B, H, Hw) - See Statewide
CACHÉ COUNTY
(B, H, Hw) - See Statewide
CARBON COUNTY
(B, H, Hw) - See Statewide
DAGGETT COUNTY
(B, H, Hw) - See Statewide
DAVIS COUNTY
(B, H, Hw) - See Statewide
DOUGLASS COUNTY
(B, H, Hw) - See Statewide
EMERY COUNTY
(B, H, Hw) - See Statewide
GARFIELD COUNTY
(B, H, Hw) - See Statewide
GRAND COUNTY
(B, H, Hw) - See Statewide
IRON COUNTY
(B, H, Hw) - See Statewide
JUAN COUNTY
(B, H, Hw) - See Statewide
KANE COUNTY
(B, H, Hw) - See Statewide
MILLARD COUNTY
(B, H, Hw) - See Statewide
MOGAN COUNTY
(B, H, Hw) - See Statewide
PIUTE COUNTY
(B, H, Hw) - See Statewide
RICH COUNTY
(B, H, Hw) - See Statewide
SALT LAKE COUNTY
(B, H, Hw) - See Statewide
SAN JUAN COUNTY
(B, H, Hw) - See Statewide
SAMPETE COUNTY
(B, H, Hw) - See Statewide
SEVIER COUNTY
(B, H, Hw) - See Statewide
SUNNIT COUNTY
(B, H, Hw) - See Statewide
TOOELE COUNTY
(B, H, Hw) - See Statewide
UTAH COUNTY
(B, H, Hw) - See Statewide
UTAH COUNTY
(B, H, Hw) - See Statewide
WASATCH COUNTY
(B, H, Hw) - See Statewide
WASHINGTON COUNTY
(B, H, Hw) - See Statewide

VERMONT

Statewide (Except Rutland County)
Decision #AQ-3184 (Hw)
39 FR 24203 - 8/28/74
Mod. #1 - 39 FR 27387 - 7/26/74
Mod. #2 - 40 FR 16497 - 4/11/75
Mod. #3 - 40 FR 21657 - 5/16/75
ADDISON COUNTY
(Hw) - See Statewide
BENNINGTON COUNTY
(Hw) - See Statewide
CALDWELL COUNTY
(Hw) - See Statewide
CHITTENDEN COUNTY
(Hw) - See Statewide
ESSEX COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
(Hw) - See Statewide
GRAND ISLE COUNTY
(Hw) - See Statewide
LAMOILLE COUNTY
(Hw) - See Statewide
ORANGE COUNTY
(Hw) - See Statewide
ORLEANS COUNTY
(Hw) - See Statewide
RUTLAND COUNTY
None
WASHINGTON COUNTY
(Hw) - See Statewide
WINDHAM COUNTY
(Hw) - See Statewide
WINDSOR COUNTY
(Hw) - See Statewide

VIRGINIA (Cont'd)

CULPEPER COUNTY
 (Hw) - See Albemarle County
 CUMBERLAND COUNTY
 (Hw) - See Amherst County
 DANVILLE CITY
 (Hw) - See Amherst County
 DICKENSON COUNTY
 (Hw) - See Bland County
 DINWIDDIE COUNTY
 (Hw) - See Amelia County
 ENFORD CITY
 (Hw) - See Accomack County
 ESSEX COUNTY
 (Hw) - See Caroline County
 (Hw) - See Accomack County
 FAIRFAX COUNTY
 (B) - See Alexandria City
 (B) - See Alexandria City
 (B) - See Alexandria City
 FAIRFAX CITY
 (B) - See Alexandria City
 FALLS CHURCH CITY
 (B) - See Alexandria City
 FARMER COUNTY
 (Hw) - See Albemarle County
 FLOYD COUNTY
 (Hw) - See Bedford County
 FLUVANNA COUNTY
 (Hw) - See Albemarle County
 FORT MONROE CITY
 (Hw) - See Chesapeake City
 (B, H, W, S) - See York County
 FRANKLIN CITY
 (Hw) - See Accomack County
 FRANKLIN COUNTY
 (Hw) - See Bedford County
 FREDERICK COUNTY
 (B) - See Clarke County
 (Hw) - See Allegheny County

VIRGINIA (Cont'd)

FREDERICKSBURG CITY
 (Hw) - See Caroline County
 GALAX CITY
 (Hw) - See Bedford County
 GILES COUNTY
 (Hw) - See Bedford County
 GLOUCESTER COUNTY
 (Hw) - See Caroline County
 (D) - See Accomack County
 GOCHLAND COUNTY
 (Hw) - See Amelia County
 GRAYSON COUNTY
 (Hw) - See Bland County
 GREENE COUNTY
 (Hw) - See Albemarle County
 GREENSVILLE COUNTY
 (Hw) - See Accomack County
 HALLIFAX COUNTY
 (Hw) - See Amherst County
 HAMPTON CITY
 Decision #49-2103 (R)
 35 FR 14119 - 4/19/74
 Mod. #1 - 15612 - 5/3/74
 (B, H, W, S) - See York County
 (Hw) - See Chesapeake City
 (D) - See Accomack County
 HANOVER COUNTY
 (Hw) - See Amelia County
 HARRISONBURG CITY
 (Hw) - See Allegheny County
 HENRICO COUNTY
 Decision #473-3005 (B)
 40 FR 946 - 1/3/75
 Mod. #1 - 40 FR 14217 - 3/28/75
 Mod. #2 - 40 FR 17473 - 4/18/75
 Mod. #3 - 40 FR 22743 - 5/23/75
 (Hw) - See Amelia County

VIRGINIA (Cont'd)

HENRY COUNTY
 (Hw) - See Bedford County
 HIGHLAND COUNTY
 (Hw) - See Allegheny County
 HOPEWELL CITY
 (Hw) - See Amelia County
 ISLE OF WIGHT COUNTY
 (D, Hw) - See Accomack County
 JAMES CITY COUNTY
 Decision #49-407 (R)
 37 FR 15235 - 7/28/72
 (D, Hw) - See Accomack County
 KING AND QUEEN COUNTY
 (Hw) - See Caroline County
 KING GEORGE COUNTY
 (Hw) - See Caroline County
 (D) - See Accomack County
 KING WILLIAM COUNTY
 (Hw) - See Caroline County
 LANCASTER COUNTY
 (Hw) - See Caroline County
 (D) - See Accomack County
 LEE COUNTY
 (Hw) - See Bland County
 LOUDOUN COUNTY
 (Hw) - See Albemarle County
 LOUISA COUNTY
 (Hw) - See Albemarle County
 LUNENBURG COUNTY
 (Hw) - See Amelia County
 LYNCHBURG CITY
 (Hw) - See Amherst County
 MADISON COUNTY
 (Hw) - See Albemarle County
 MANTENANCE CITY
 (Hw) - See Bedford County

VIRGINIA (Cont'd)

MATHEWS COUNTY
 (Hw) - See Caroline County
 (D) - See Accomack County
 MCKENNA COUNTY
 (Hw) - See Amelia County
 MIDLESEX COUNTY
 (Hw) - See Caroline County
 (D) - See Accomack County
 MONTGOMERY COUNTY
 (Hw) - See Bedford County
 MONTGOMERY COUNTY
 (D, Hw) - See Accomack County
 NELSON COUNTY
 (Hw) - See Amherst County
 NEW KENT COUNTY
 (Hw) - See Amelia County
 NEWPORT NEWS CITY
 (B, H, W, S) - See York County
 (Hw) - See Chesapeake City
 (D) - See Accomack County
 (R) - See Hampton City
 NEWARK CITY
 (Hw, B) - See Chesapeake City
 (D) - See Accomack County
 NORTHAMPTON COUNTY
 (D, Hw) - See Accomack County
 NORFOLK CITY
 (Hw) - See Bland County
 NORTHAMPTON COUNTY
 (Hw) - See Caroline County
 (D) - See Accomack County
 NORTHAMPTON COUNTY
 (Hw) - See Amelia County
 ORANGE COUNTY
 (Hw) - See Albemarle County

VIRGINIA (Cont'd)

PAGE COUNTY
(Hw) - See Allegheny County
PATRICK COUNTY
(Hw) - See Bedford County
PETERSBURG CITY
(Hw) - See Amelia County
PITTSBURGH COUNTY
(Hw) - See Allegheny County
PORTSMOUTH CITY
(Hw,B) - See Chesapeake City
(D) - See Accomack County
POMFRET COUNTY
(Hw) - See Amelia County
PRINCE EDWARD COUNTY
(Hw) - See Albemarle County
PRINCE GEORGE COUNTY
(Hw) - See Amelia County
PRINCE WILLIAM COUNTY
(Hw) - See Albemarle County
(D) - See Accomack County
PULASKI COUNTY
(Hw) - See Bedford County
RADFORD CITY
Decision #WA75-3069 (B)
40 FR 25438 - 7/11/75
Mod. #1 - 40 FR 36902 - 8/22/75
(Hw) - See Bedford County
RAPHAN/CROCK COUNTY
(Hw) - See Albemarle County
RICHMOND CITY
(B) - See Henrico County
(Hw) - See Amelia County
RICHMOND COUNTY
(Hw) - See Caroline County
ROANOKE CITY
(Hw) - See Bedford County
ROANOKE COUNTY
(Hw) - See Bedford County
ROCKBRIDGE COUNTY
(Hw) - See Allegheny County
ROCKINGHAM COUNTY
(B) - See Clarke County
(Hw) - See Allegheny County
RUSSELL COUNTY
(Hw) - See Bland County
SALEN CITY
(Hw) - See Bedford County
SCOTT COUNTY
(Hw) - See Bland County
SHEPHERD COUNTY
(Hw) - See Allegheny County
(B) - See Clarke County
SMITH COUNTY
(Hw) - See Bland County
SOUTHAMPTON COUNTY
(Hw) - See Accomack County

VIRGINIA (Cont'd.)

SOUTH BOSTON CITY
(Hw) - See Amherst County
SPOTSVILIA COUNTY
(Hw) - See Caroline County
STAUNTON CITY
(Hw) - See Allegheny County
STAFFORD COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
SUFFOLK CITY
(Hw) - See Accomack County
SUDBURY COUNTY
(Hw) - See Accomack County
SUSSEX COUNTY
(Hw) - See Accomack County
TADUSSELL COUNTY
(Hw) - See Bland County
VIRGINIA BEACH CITY
Decision #H-9321 (R)
37 FR 10266 - 5/19/72
(Hw,B) - See Chesapeake City
(D) - See Accomack County
WARREN COUNTY
(B) - See Clarke County
(Hw) - See Allegheny County
WASHINGTON COUNTY
(Hw) - See Bland County
WAYNESBORO CITY
(Hw) - See Allegheny County
WESTMORELAND COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
WILLINGSBORG CITY
(Hw) - See Accomack County
WINCHESTER CITY
(Hw) - See Allegheny County
WISE COUNTY
(Hw) - See Bland County
WYTHE COUNTY
(Hw) - See Bland County
YORK COUNTY
Decision #WA75-3004 (B,H,SW)
40 FR 941 - 1/3/75
Mod. #1 - 40 FR 14217 - 3/28/75
Mod. #2 - 40 FR 21657 - 5/16/75
Mod. #3 - 40 FR 22742 - 5/23/75
Mod. #4 - 40 FR 29454 - 7/11/75
(B) - See James City
(D,Hw) - See Accomack County

WASHINGTON

STATEWIDE
Decision #WA75-5108 (B,H,Hw,D)
40 FR 37007 - 8/22/75
Mod. #1 - 40 FR 41356 - 9/5/75
ADAMS COUNTY
(B,H,Hw,D) - See Statewide
ASOTIN COUNTY
(B,H,Hw,D) - See Statewide
BENTON COUNTY
(B,H,Hw,D) - See Statewide
CHELAN COUNTY
(B,H,Hw,D) - See Statewide
CLALLAM COUNTY
Decision #WA75-5064 (R)
40 FR 23695 - 5/30/75
Mod. #1 - 40 FR 29455 - 7/11/75
(B,H,Hw,D) - See Statewide
CLARK COUNTY
(B,H,Hw,D) - See Statewide
COLUMBIA COUNTY
(B,H,Hw,D) - See Statewide
COMALITZ COUNTY
(B,H,Hw,D) - See Statewide
DOUGLAS COUNTY
(B,H,Hw,D) - See Statewide
FERRY COUNTY
(B,H,Hw,D) - See Statewide
FRANKLIN COUNTY
(B,H,Hw,D) - See Statewide
GARFIELD COUNTY
(B,H,Hw,D) - See Statewide
GRANT COUNTY
(B,H,Hw,D) - See Statewide
GRAYS HARBOR COUNTY
(B,H,Hw,D) - See Statewide
(B) - See Clallam County
ISLAND COUNTY
(B,H,Hw,D) - See Statewide
(B) - See Clallam County
JEFFERSON COUNTY
(B,H,Hw,D) - See Statewide
(B) - See Clallam County
KING COUNTY
(B) - See Clallam County
(B,H,Hw,D) - See Statewide
KITSAP COUNTY
(B,H,Hw,D) - See Statewide
(B) - See Clallam County
KITITAS COUNTY
(B,H,Hw,D) - See Statewide
KLOCKITAT COUNTY
(B,H,Hw,D) - See Statewide

PRESTON COUNTY
(H, W) - See Statewide
PUTNAM COUNTY
(B) - See Barbour County
(H, W) - See Statewide
RALEIGH COUNTY
(H, W) - See Statewide
RANDOLPH COUNTY
(H, W) - See Statewide
RITCHIE COUNTY
(H, W) - See Statewide
(B) - See Barbour County
ROANE COUNTY
(H, W) - See Statewide
SUMMERS COUNTY
(H, W) - See Statewide
TAYLOR COUNTY
(H, W) - See Statewide
TUCKER COUNTY
(H, W) - See Statewide
TYLER COUNTY
(B) - See Barbour County
(H, W) - See Statewide
UPSHUR COUNTY
(B) - See Barbour County
(H, W) - See Statewide
WAYNE COUNTY
(B) - See Barbour County
(H, W) - See Statewide
WEBSTER COUNTY
(H, W) - See Statewide
WETZEL COUNTY
(B) - See Barbour County
(D) - See Cabell County
(H, W) - See Statewide
WIRT COUNTY
(B) - See Barbour County
(H, W) - See Statewide
WOOD COUNTY
(B) - See Barbour County
(D) - See Cabell County
(H, W) - See Statewide
WYOMING COUNTY
(H, W) - See Statewide

STATEWIDE
Decision #175-2047 (H, W)
40 FR 8157 - 2/28/75
Decision #175-2048 (H, Sewer, Tunnel,
& Water)
40 FR 12059 - 3/14/75
ADAMS COUNTY
(H, W, WBS) - See Statewide
ASHLAND COUNTY
Decision #175-5079 (D)
40 FR 29490 - 7/11/75
Mod. #1 - 40 FR 32552 - 8/1/75
Mod. #2 - 40 FR 40006 - 8/25/75
(H, W, WBS) - See Statewide
Decision #AR-3151 (B, R)
39 FR 36706 - 10/11/74
Mod. #1 - 40 FR 21657 - 5/16/75
BARBON COUNTY
(B) - See Polk County
(H, W, WBS) - See Statewide
BAYFIELD COUNTY
(B, R) - See Ashland County
(H, W, WBS) - See Statewide
BROWN COUNTY
Decision #AR-3153 (B)
39 FR 36625 - 10/11/74
Mod. #1 - 40 FR 21658 - 5/16/75
(D) - See Ashland County
(H, W, WBS) - See Statewide
BUFFALO COUNTY
(H, W, WBS) - See Statewide
BURNETT COUNTY
(H, W, WBS) - See Statewide
CALUMET COUNTY
(H, W, WBS) - See Statewide
CHIPPewa COUNTY
(H, W, WBS) - See Statewide
(B, R) - See Eau Claire County
CLARK COUNTY
(H, W, WBS) - See Statewide
COLUMBIA COUNTY
(H, W, WBS) - See Statewide
CRAWFORD COUNTY
(H, W, WBS) - See Statewide
DADE COUNTY
(H, W, WBS) - See Statewide
Decision #AR-3155 (B, R)
39 FR 36829 - 10/11/74
Mod. #1 - 40 FR 18264 - 4/25/75
DODGE COUNTY
(H, W, WBS) - See Statewide
DOOR COUNTY
(D) - See Ashland County
(H, W, WBS) - See Statewide
DOUGLAS COUNTY
(B, R) - See Ashland County
DUNN COUNTY
(B) - See Polk County
(H, W, WBS) - See Statewide
EAU CLAIRE COUNTY
Decision #AR-3154 (B, R)
39 FR 36827 - 10/11/74
Mod. #1 - 40 FR 18264 - 4/25/75
(H, W, WBS) - See Statewide

FLORENCE COUNTY
(H, W, WBS) - See Statewide
FOND DU LAC COUNTY
(H, W, WBS) - See Statewide
FOREST COUNTY
(H, W, WBS) - See Statewide
GRANT COUNTY
(H, W, WBS) - See Statewide
GREEN COUNTY
(B) - See Rock County
(H, W, WBS) - See Statewide
GREEN LAKE COUNTY
(B) - See Minnecago County
(H, W, WBS) - See Statewide
IOWA COUNTY
(B) - See Dane County
(H, W, WBS) - See Statewide
IRON COUNTY
(D) - See Ashland County
(H, W, WBS) - See Statewide
JACKSON COUNTY
(H, W, WBS) - See Statewide
JEFFERSON COUNTY
(H, W, WBS) - See Statewide
JUNEAU COUNTY
(H, W, WBS) - See Statewide
Decision #AR-3158 (B)
39 FR 36835 - 10/11/74
Mod. #1 - 40 FR 18265 - 4/25/75
KENOSHA COUNTY
(H, W, WBS) - See Statewide
Decision #AR-3159 (B, R)
39 FR 36837 - 10/11/74
Mod. #1 - 39 FR 41662 - 1/29/74
KENAUNEE COUNTY
(D) - See Ashland County
(H, W, WBS) - See Statewide
LA CROSSE COUNTY
Decision #AR-3160 (B, R)
39 FR 36839 - 10/11/74
Mod. #1 - 40 FR 18266 - 4/25/75
(H, W, WBS) - See Statewide
LA FAYETTE COUNTY
(H, W, WBS) - See Statewide
LANGLADE COUNTY
(B) - See Marathon County
(H, W, WBS) - See Statewide
LINCOLN COUNTY
(B) - See Marathon County
(H, W, WBS) - See Statewide
MANITOWOC COUNTY
(H, W, WBS) - See Statewide
MARATHON COUNTY
Decision #AR-3161 (B)
39 FR 36840 - 10/11/74
Mod. #1 - 40 FR 18266 - 4/25/75
(H, W, WBS) - See Statewide
MARINETTE COUNTY
(D) - See Ashland County

WISCONSIN (Cont'd.)

MARQUETTE COUNTY
 (B) - See Winnebago County
 (H, Hw, MMS) - See Statewide
 MENOMINEE COUNTY
 (H, Hw, MMS) - See Statewide
 MILWAUKEE COUNTY
 Decision #AR-3162 (B, R)
 39 FR 36843 - 10/11/74
 Mod. #1 - 40 FR 18287 - 4/25/75
 (H, Hw, MMS) - See Statewide
 MORRIS COUNTY
 (H, Hw, MMS) - See Statewide
 OCONTO COUNTY
 (D) - See Ashland County
 (H, Hw, MMS) - See Statewide
 ONEIDA COUNTY
 (H, Hw, MMS) - See Statewide
 OUTAGAMIE COUNTY
 (H, Hw, MMS) - See Statewide
 OZAUZEE COUNTY
 (B, R) - See Milwaukee County
 (D) - See Ashland County
 (H, Hw, MMS) - See Statewide
 PEPIN COUNTY
 (B, R) - See Eau Claire County
 (H, Hw, MMS) - See Statewide
 PIERCE COUNTY
 (H, Hw, MMS) - See Statewide
 POLK COUNTY
 Decision #AR-3152 (B)
 39 FR 36823 - 10/11/74
 Mod. #1 - 40 FR 18284 - 4/25/75
 (H, Hw, MMS) - See Statewide
 PORTAGE COUNTY
 (H, Hw, MMS) - See Statewide
 PRICE COUNTY
 (H, Hw, MMS) - See Statewide
 RACINE COUNTY
 Decision #175-2084 (B, R)
 40 FR 21691 - 5/16/75
 (D) - See Ashland County
 (H, Hw, MMS) - See Statewide
 RICHLAND COUNTY
 (H, Hw, MMS) - See Statewide
 ROCK COUNTY
 Decision #AR-3156 (B)
 39 FR 36831 - 10/11/74
 Mod. #1 - 40 FR 21658 - 5/16/75
 (H, Hw, MMS) - See Statewide
 ROCK COUNTY
 (H, Hw, MMS) - See Statewide
 SAINT CROIX COUNTY
 (B) - See Polk County
 (H, Hw, MMS) - See Statewide
 SAUK COUNTY
 (B) - See Dane County
 (H, Hw, MMS) - See Statewide
 SAUER COUNTY
 (H, Hw, MMS) - See Statewide

WISCONSIN (Cont'd.)

SHAWANO COUNTY
 (H, Hw, MMS) - See Statewide
 SHEBOYGAN COUNTY
 (D) - See Ashland County
 TAYLOR COUNTY
 (H, Hw, MMS) - See Statewide
 TREMPERLEAU COUNTY
 (H, Hw, MMS) - See Statewide
 VERMILION COUNTY
 (H, Hw, MMS) - See Statewide
 VILAS COUNTY
 (H, Hw, MMS) - See Statewide
 WALNORTH COUNTY
 (H, Hw, MMS) - See Statewide
 WASHBURN COUNTY
 (H, Hw, MMS) - See Statewide
 WASHINGTON COUNTY
 (B, R) - See Milwaukee County
 (H, Hw, MMS) - See Statewide
 WAUKESHA COUNTY
 (B, R) - See Milwaukee County
 (H, Hw, MMS) - See Statewide
 WAUPACA COUNTY
 (B) - See Winnebago County
 (H, Hw, MMS) - See Statewide
 WASHUAGA COUNTY
 (B) - See Winnebago County
 (H, Hw, MMS) - See Statewide
 WINNEBAGO COUNTY
 Decision #AR-3157 (B)
 39 FR 36833 - 10/11/74
 Mod. #1 - 40 FR 20562 - 5/9/75
 (H, Hw, MMS) - See Statewide
 WOOD COUNTY
 (H, Hw, MMS) - See Statewide

WISCONSIN

STATEWIDE
 Decision #175-5011 (Hw)
 40 FR 4879 - 1/31/75
 Mod. #1 - 40 FR 16497 - 4/11/75
 Mod. #2 - 40 FR 26187 - 6/20/75
 ALBANY COUNTY
 (Hw) - See Statewide
 BIG HORSE COUNTY
 (Hw) - See Statewide
 CAMPBELL COUNTY
 (Hw) - See Statewide
 CARBON COUNTY
 (Hw) - See Statewide
 CONVERSE COUNTY
 (Hw) - See Statewide
 Decision #175-5106 (B, H)
 40 FR 34578 - 8/15/75
 (Hw) - See Statewide
 CROOK COUNTY
 (Hw) - See Statewide
 FREMONT COUNTY
 (Hw) - See Statewide
 GOSHEN COUNTY
 (B, H) - See Converse County
 (Hw) - See Statewide
 HOT SPRINGS COUNTY
 (Hw) - See Statewide
 JOHNSON COUNTY
 (Hw) - See Statewide
 LARABIE COUNTY
 (B, H) - See Converse County
 (Hw) - See Statewide
 LINCOLN COUNTY
 (Hw) - See Statewide
 MATROSA COUNTY
 (B, H) - See Converse County
 (Hw) - See Statewide
 RICHMOND COUNTY
 (B, H) - See Converse County
 (Hw) - See Statewide
 PARK COUNTY
 (Hw) - See Statewide
 PLATTE COUNTY
 (B, H) - See Converse County
 (Hw) - See Statewide
 SHERIDAN COUNTY
 (Hw) - See Statewide
 SIBLETT COUNTY
 (Hw) - See Statewide
 SWEETWATER COUNTY
 (Hw) - See Statewide
 TETON COUNTY
 (Hw) - See Statewide
 UINTA COUNTY
 (Hw) - See Statewide
 WASHUAGA COUNTY
 (Hw) - See Statewide
 WESTON COUNTY
 (Hw) - See Statewide
 YELLOWSTONE NATIONAL PARK
 (Hw) - See Statewide

[FBI Doc. 75-28203 Filed 10-2-75; 8:45 am]

federal register

FRIDAY, OCTOBER 3, 1975



PART IV:

PRIVACY ACT OF 1974

■

VARIOUS AGENCIES

Title 29—Labor

CHAPTER XXVI—PENSION BENEFIT GUARANTY CORPORATION

PART 2607—DISCLOSURE AND AMENDMENT OF RECORDS UNDER THE PRIVACY ACT

On August 25, 1975, the Pension Benefit Guaranty Corporation (hereinafter "the PBGC") published in the FEDERAL REGISTER (40 FR 37057) a notice of proposed rulemaking implementing section 3 of the Privacy Act of 1974 (5 U.S.C. 552a). Interested parties were given the opportunity to submit, not later than September 15, 1975, comments regarding the proposed rules. No such comments were received.

Accordingly, the proposed rules, which amend 29 CFR Chapter XXVI by adding a new Part 2607, are hereby adopted with some minor technical changes as set forth below:

Effective date. Part 2607 shall become effective on September 27, 1975.

Issued in Washington, D.C. this 29th day of September, 1975.

JOHN T. DUNLOP,
Chairman, Board of Directors,
Pension Benefit Guaranty
Corporation.

PART 2607—DISCLOSURE AND AMENDMENT OF RECORDS UNDER THE PRIVACY ACT

- Sec.
- 2607.1 Purpose and scope.
 - 2607.2 Definitions.
 - 2607.3 Procedures for determining existence of records.
 - 2607.4 Procedures for requesting access to records.
 - 2607.5 Disclosure of record to an individual.
 - 2607.6 Procedures for requesting amendment of a record.
 - 2607.7 Action on request for amendment of a record.
 - 2607.8 Appeal of a denial of a request for amendment of a record.
 - 2607.9 Fees.
 - 2607.10 Specific Exemptions.

AUTHORITY: Pub. L. 93-579, 88 Stat. 1900; Pub. L. 93-406, 88 Stat. 829.

§ 2607.1 Purpose and scope.

(a) The purpose of this part is to establish procedures whereby an individual can determine whether the PBGC maintains any system of records which contains a record pertaining to the individual, procedures to effect access to an individual's record upon his request, procedures for making requests to amend records and for making the initial determinations on such requests and for appealing denials of such requests. This part also sets forth the fees that shall be charged for making copies of an individual's record. Finally, this part sets forth those systems of records which are exempted from the provisions of this part.

(b) This part applies to each system of records maintained by the PBGC, unless exempted by this part.

§ 2607.2 Definitions.

As used in this part—

(a) The term "disclosure officer" means the Director of the Office of Communications of the Pension Benefit Guaranty Corporation.

(b) The term "PBGC" means the Pension Benefit Guaranty Corporation.

(c) The term "record" means any item, collection, or grouping of information about an individual that is maintained by an agency, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph.

(d) The term "system of records" means a group of any records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual.

(e) The term "working day" means any weekday excepting Federal holidays.

§ 2607.3 Procedures for determining existence of records.

(a) Any individual who desires to know whether a system of records maintained by the PBGC contains any record pertaining to him shall submit a written request to that effect either by mail to the Director, Office of Communications, Pension Benefit Guaranty Corporation, P.O. Box 7119, Washington, D.C. 20044, or in person between the hours of 9 a.m. and 4 p.m. on any working day at the Office of Communications, Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C.

(b) Each request submitted pursuant to paragraph (a) of this section shall include the name of the system of records to which the request pertains, the requestor's full name, home address and date of birth and shall clearly state on the envelope and on the request "Privacy Act Request". If this information is insufficient to enable the PBGC to identify the record in question, the disclosure officer shall request such further identifying data as he deems necessary to locate the record.

(c) In any case where notification of the existence of a record is not required under the Freedom of Information Act (5 U.S.C. 552), the requestor shall be required to provide verification of his identity to the PBGC as set forth in paragraph (c) (1) or (2) of this section, as appropriate.

(1) When the request is made by mail, the requestor shall be required to submit a notarized statement asserting his identity.

(2) When the request is made in person, the requestor shall be required to show identification satisfactory to the disclosure officer, such as drivers' licenses, employee identification, annuitant identification or Medicare cards.

(d) Within 10 working days after receipt of a request pursuant to paragraph

(a) of this section or receipt of such additional information as may be required pursuant to paragraph (b) of this section, the disclosure officer shall notify the requestor in writing whether the PBGC maintains any system of records containing a record pertaining to the requestor.

§ 2607.4 Procedures for requesting access to records.

(a) Any individual who desires to obtain access to a record pertaining to him contained in a system of records maintained by the PBGC shall submit a written request to that effect either by mail to the Director, Office of Communications, Pension Benefit Guaranty Corporation, P.O. Box 7119, Washington, D.C. 20044, or in person between the hours of 9 a.m. and 4 p.m. on any working day at the Office of Communications, Pension Benefit Guaranty Corporation, 2020 K Street NW., Washington, D.C.

(b) Each request submitted pursuant to paragraph (a) of this section shall include the name of the system of records to which the request pertains, the requestor's full name, home address and date of birth and shall clearly state on the envelope and on the request "Privacy Act Request". If this information is insufficient to enable the PBGC to identify the record for which access is sought, the disclosure officer shall request such further identifying data as he deems necessary to locate the record.

(c) Each individual seeking access to records under this section shall be required to provide verification of his identity to the PBGC as set forth in paragraphs (c) (1) or (2) of this section, as appropriate.

(1) When the request for access is made in person, the requestor shall be required to show identification satisfactory to the disclosure officer, such as drivers' licenses, employee identification, annuitant identification, or Medicare cards.

(2) When the request for access is made by mail, the requestor shall be required to submit a notarized statement asserting his identity.

(d) Within 10 working days after receipt of a request for access under this section, the disclosure officer shall notify the requestor in writing whether he will be granted access to the requested records and, if so, when such access will be granted.

§ 2607.5 Disclosure of record to an individual.

(a) When the disclosure officer grants a request for access to records made pursuant to § 2607.4, such records shall be made available at the time the requestor is advised of such determination or as promptly thereafter as possible. At the requestor's option, the record will be made available for his inspection and/or copying at the Office of Communications, Pension Benefit Guaranty Corporation, 2020 K Street NW., Washington, D.C., between the hours of 9 a.m. and 4 p.m. on any working day or a copy of the record will be mailed to him.

(b) When the requestor desires to be accompanied by an individual of his choosing during the inspection and/or copying of his record, he shall submit to the disclosure officer a signed statement identifying the person he wishes to accompany him and authorizing such person to be present during the inspection and/or copying of his record either at the time the record is made available to him or at any time prior thereto.

§ 2607.6 Procedures for requesting amendment of a record.

(a) Any individual about whom the PBGC maintains a record contained in a system of records may request that the record be amended. Such request shall be submitted in writing either by mail to the Director, Office of Communications, P.O. Box 7119, Washington, D.C. 20044, or in person between the hours of 9 a.m. and 4 p.m. on any working day at the Office of Communications, Pension Benefit Guaranty Corporation, 2020 K Street NW., Washington, D.C.

(b) Each request submitted pursuant to paragraph (a) of this section shall include the name of the system of records in which the record is contained, the requestor's full name, home address and date of birth, and a statement specifying the changes to be made in the record and the justification therefor. Both the envelope and the request shall clearly state "Privacy Act Request". If this information is insufficient to enable the PBGC to identify the record in question the disclosure officer shall request such further identifying data as he deems necessary to locate the record.

(c) An individual who desires assistance in the preparation of his request for amendment of his record shall submit such request for assistance in writing to the Deputy General Counsel, Pension Benefit Guaranty Corporation, P.O. Box 7119, Washington, D.C. 20044. The Deputy General Counsel shall respond to such request as promptly as possible.

§ 2607.7 Action on request for amendment of a record.

(a) Within 20 working days after the date of receipt by the PBGC of a request for amendment of a record pursuant to § 2607.6, unless for good cause shown the Executive Director of the PBGC extends such 20-day period, the disclosure officer shall notify the requestor in writing whether and to what extent the request shall be granted. To the extent that the request is granted, the disclosure officer shall cause the requested amendment to be made promptly.

(b) When a request for amendment of a record is denied in whole or in part, the denial shall include a statement of the reasons therefor, the procedures for appealing such denial, and a statement advising the requestor of his right to obtain assistance in preparing an appeal of the denial.

(c) An individual who desires assistance in the preparation of his appeal of a denial under this section shall submit his

request in writing to the Deputy General Counsel, Pension Benefit Guaranty Corporation, P.O. Box 7119, Washington, D.C. 20044. The Deputy General Counsel shall respond to such requests as promptly as possible, but in no event more than 30 days after receipt of the request.

§ 2607.8 Appeal of a denial of a request for amendment of a record.

(a) An appeal from a denial of a request for amendment of a record under § 2607.7 shall be submitted within 45 days of receipt of such denial to the General Counsel, Pension Benefit Guaranty Corporation, P.O. Box 7119, Washington, D.C. 20044, unless the record subject to such request is one maintained by the Office of the General Counsel, in which event the appeal shall be submitted to the Deputy Executive Director. The appeal shall state in detail the basis on which it is made and both the envelope and the appeal shall clearly state "Privacy Act Request".

(b) Within 30 working days after the receipt of the appeal, unless for good cause shown the Executive Director of the PBGC extends such 30-day period, the General Counsel or, where appropriate, the Deputy Executive Director, shall issue a decision in writing granting or denying the appeal in whole or in part. To the extent that the appeal is granted, the General Counsel or, where appropriate, the Deputy Executive Director, shall cause the requested amendment to be made promptly. To the extent that the appeal is denied, the decision shall set forth the reasons for such denial and shall notify the requestor of his right to submit a brief statement setting forth his reasons for disputing the denial of appeal and to seek judicial review of the denial pursuant to 5 U.S.C. 552a(g)(1) (A) and to obtain further information concerning the provisions for judicial review under that section.

(c) An individual whose appeal has been denied in whole or in part may submit a brief summary statement setting forth his reasons for disputing such denial. Such statement shall be submitted within 30 days of receipt of the denial of his appeal to the Director, Office of Communications, Pension Benefit Guaranty Corporation, P.O. Box 7119, Washington, D.C. 20044. Any such statement shall be made available by the PBGC to anyone to whom the record is subsequently furnished and may also be accompanied, at the discretion of the PBGC, by a brief statement summarizing the PBGC's reasons for refusing to amend the record. The PBGC shall also provide copies of the individual's statement of dispute to all prior recipients of the record with respect to whom an accounting of the disclosure of the record was maintained pursuant to 5 U.S.C. 552a(c)(1).

(d) If an individual requests further information concerning the provisions for judicial review, he shall submit such request in writing to the Deputy General Counsel and he shall respond to such request as promptly as possible.

§ 2607.9 Fees.

When an individual requests a copy of his record under § 2607.5 charges for the copying shall be made according to the following fee schedule:

(a) *Standard copying fee.* There shall be a charge of \$0.10 per page of record copies furnished. Where the copying fee is less than \$1.00, it shall not be assessed.

(b) *Voluminous material.* If the volume of page copy desired by the requestor is such that the reproduction charge at the standard page rate would be in excess of \$50, the individual desiring reproduction may request a special rate quotation from the PBGC.

(c) *Manual copying by requestor.* No charge will be made for manual copying by the requestor of any document made available for inspection under § 2607.5. The PBGC shall provide facilities for such copying without charge between the hours of 9 a.m. and 4 p.m. on any working day.

§ 2607.10 Specific exemptions.

The provisions of this part shall not apply to any system of records which contains investigatory material maintained solely for purposes of determining an individual's qualifications, eligibility or suitability for employment, but only to the extent that the disclosure of such material would reveal the identity of the source who furnished the information, and the information contained therein could only have been obtained by providing express assurance to the source of the information that his identity would not be revealed to the subject of the information, or prior to September 27, 1975, was obtained by providing an implied promise of confidentiality.

[FR Doc. 75-26526 Filed 9-30-75; 2:44 pm]

Title 32—National Defense

CHAPTER XVIII—DEFENSE CIVIL PREPAREDNESS AGENCY

PART 1814—PERSONAL PRIVACY AND RIGHTS OF INDIVIDUALS REGARDING THEIR PERSONAL RECORDS

Adoption of Rules To Implement Provisions of the Privacy Act of 1974

On August 11, 1975, the Director, Defense Civil Preparedness Agency executed a notice of proposed rulemaking proposing to issue a new Part 1814 of Title 32 of the Code of Federal Regulations. These rules were designed to implement for DCPA the Privacy Act of 1974. This notice, with proposed rules, was published in the FEDERAL REGISTER on August 26, 1975 (40 FR 37498). DCPA invited any persons interested in the proposed regulations to submit their views and comments to DCPA on or before September 20, 1975.

On September 12, 1975, an additional notice was published extending the period for comment to September 25, 1975, and correcting certain errors in the original publication (40 FR 42444).

No comments have been received. I have considered the rules as proposed and have decided to adopt the rules as proposed with the corrections made on

September 12, 1975, and with other typographical corrections.

Since the following rules are procedural in nature, and are essential to the implementation of DCPA provisions of the Privacy Act which become effective on September 27, 1975, it has been determined that these rules become effective on September 27, 1975.

Accordingly, pursuant to 5 USC 552a and to 32 CFR 286a, the Department of Defense regulation, the rules set forth below are hereby adopted effective September 27, 1975.

JOHN E. DAVIS,

Director,

Defense Civil Preparedness Agency.

Chapter XVIII of Title 32, Code of Federal Regulations, is proposed to be amended by establishing a new Part 1814 as follows:

PART 1814—PERSONAL PRIVACY AND RIGHTS OF INDIVIDUALS REGARDING THEIR PERSONAL RECORDS

Sec.

- 1814.1 Purpose and scope.
- 1814.2 Policy.
- 1814.3 Definitions.
- 1814.4 Disclosure of record to person other than the individual to whom it pertains.
- 1814.5 Procedures for requests for access to specific records pertaining to individuals, and fees charged for reproduction.
- 1814.6 Requests for and agency review, including appeal, of requests for correction or amendment of a record.
- 1814.7 Accounting for and informing about disclosures.
- 1814.8 Mailing lists and names and addresses.
- 1814.9 Exemptions.
- 1814.10 DCPA contractors.

AUTHORITY: Pub. L. 93-579; 32 CFR, Part 286a; 50 U.S.C. App. 2251-2297; E.O. 10952, 26 FR 6577; DoD Directive 5105.43, 37 FR 18636.

§ 1814.1 Purpose and scope.

(a) The regulation in this part implements for DCPA that part of the Department of Defense regulation (32 CFR Part 286a) providing for promulgation of published regulations by components in accordance with subchapter II of Chapter 5 of Title 5, United States Code. This regulation sets forth:

(1) The procedures whereby an individual can be notified in response to his or her request if any system of DCPA records specified by the individual contains a record pertaining to self.

(2) The requirements for verifying the identity of an individual who requests his or her record or information pertaining to self prior to making the record or information available to the individual.

(3) The procedures for granting an individual who so requests access to his or her record or information pertaining to self.

(4) The procedures for reviewing a request from an individual who asks for the amendment of any record or information pertaining to self, for making a

determination on the request, and for an appeal of an initial adverse determination.

(5) The conditions under which disclosure of personal information may be made.

(6) Exemptions of certain records within systems of records from certain of the requirements of the Privacy Act.

(b) This regulation specifies the method by which an individual, as defined herein, can obtain information about DCPA records pertaining to said individual. The procedures described herein are not to be used to obtain information about another person. Any requests for information about another person will, as appropriate, be processed under the DCPA Freedom of Information Act Regulation set out in Part 1813 of this Title.

(c) An employee or a former employee of DCPA who seeks notification about, or access to, or amendment of personnel records pertaining to himself shall, where such are applicable, use the procedures set out in Parts 293 and 297 of Title 5 of the Code of Federal Regulations, rather than the provisions of this part. The Civil Service Commission (CSC) has basic responsibility for establishing policies, and access and disclosure procedures and for publishing notices for those systems of personnel records which the CSC requires or authorizes government agencies to maintain. If a record or information is within a system of records covered by Parts 293 or 297 of Title 5, Code of Federal Regulations, DCPA of the Director, Personnel and Employment Services, Washington, Office of Secretary of the Army who serves as DCPA personnel officer, will apply the CSC guidance and regulation, including except as specifically provided in section 6 of this part, using the procedures set out therein which may be different from those in this regulation.

(d) This is an implementing regulation. Generally, this part does not repeat restrictions or limitations placed on agencies or components thereof as set forth in the Act or in the DoD regulation. It does not set out matters relating to internal management of a component and which do not directly affect a member of the public.

§ 1814.2 Policy.

The policy of DCPA is to: (a) Preserve the personal privacy of individuals, permitting an individual to know what records pertaining to him are collected, maintained, used, or disseminated in the Department of Defense, and to have access to and have a comprehensible copy made of all or any portion of such records, and to correct or amend such records.

(b) Collect, maintain, use, or disseminate any record or identifiable personal information in a manner that assures that such action is relevant to the DCPA mission and is for a necessary and lawful purpose; that the information is timely, complete and accurate for its intended use; and that adequate safeguards are

provided to prevent misuse of such information. These safeguards will be developed in internal DCPA instructions to staff.

(c) Collect, to the greatest extent practical, personal information directly from the individual when that information may result in adverse determinations about an individual's rights, benefits and privileges under Federal programs. To this end, DCPA will devise internal procedures in connection with its forms and reports management activities to carry out the policy. These procedures will meet all of the requirements of the DoD regulation.

(d) Not request an individual to disclose his or her social security number unless some other agency or some other DoD component (such as the Department of the Treasury, or the Finance and Accounts Office, Department of the Army) requires DCPA to obtain such number. The authority for such a request, the routine uses, etc., will be those specified by the other agency or component.

(e) Evaluate, in accordance with internal procedures established pursuant to the DoD regulation, categories of information in systems of records, and discontinue such systems where maintenance does not seem reasonably justifiable.

(f) Publish in the FEDERAL REGISTER systems notices and changes thereto in accordance with the procedures specified in the DoD regulation and Office of Management and Budget guidelines and circulars. These systems notices will appear in the annual compilation published by the Office of the Federal Register.

(g) Establish, by internal instruction, instructions to staff regarding rules of conduct.

§ 1814.3 Definitions.

As used herein, the following terms shall have the following meanings:

(a) *Individual*. A citizen of the United States or an alien lawfully admitted for permanent residence. A legal guardian or the parent of a minor has the same rights as the individual and may act on behalf of the individual.

(b) *Maintain* (records on individuals). Collect, use, or disseminate.

(c) *Record*. Any item, collection, or grouping of information about an individual that is maintained by DCPA including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or photograph.

(d) *System of records*. A group of any records under the control of DCPA from which information is retrieved by the name of an individual or by some identifying number, symbol or other identifying particular assigned to the individual.

(e) *Routine use*. With respect to the disclosure of a record, or the use of such record for a purpose which is compatible with the purpose for which it was col-

lected, routine use encompasses not only common or ordinary uses, but also all the proper and necessary uses of the record, even if such use occurs infrequently.

(f) *DCPA* means the Defense Civil Preparedness Agency, a component of the Department of Defense.

(g) *Director* means the Director, DCPA.

(h) *Deputy Director* means the Deputy Director, DCPA.

(i) *Act* means the Privacy Act of 1974 (5 U.S.C. 552a).

(j) *DoD regulation* means the Department of Defense regulation entitled "Personal Privacy and Rights of Individuals Regarding Their Personnel Records" (32 CFR Part 286a).

(k) *CSC* means the United States Civil Service Commission.

(l) *Systems notices* means a notice published in the *FEDERAL REGISTER* of the existence of a system of records maintained by DCPA. Such notice is one that complies with the requirements of OMB circulars and the DoD regulation.

(m) *OMB* means the Office of Management and Budget.

§ 1814.4 Disclosure of record to person other than the individual to whom it pertains.

No record contained in a system of records maintained within the Department of Defense shall be disclosed by any means of communication to any person, or to any agency outside the Department of Defense, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains, unless disclosure of the record will be:

(a) To those officials and employees of the Department of Defense who have a need for the record in the performance of their duties and the use is compatible with the purpose for which the record is maintained. This includes, for example, transfer of information between DCPA and the Office of the Secretary of the Army which performs certain services in connection with DCPA personnel.

(b) Required to be disclosed to a member of the public by the Freedom of Information Act (5 U.S.C. 552).

(c) For a routine use as defined in § 1814.3(e) of this part.

(d) To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity authorized by law.

(e) To a recipient who has provided DCPA with advance adequate written assurance that (i) the record will be used solely as a statistical, research or reporting record; (ii) the record is to be transferred in a form that is not individually identifiable (i.e., the identity of the individual cannot be determined by combining various statistical records); and (iii) will not be used to make any decisions about the rights, benefits or entitlements of an individual.

(f) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United

States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value.

(g) To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the Director specifying the particular portion desired and the law enforcement activity for which the record is sought. Blanket requests for all records pertaining to an individual will not be accepted. A record may also be disclosed to a law enforcement agency at the initiative of the Director when criminal conduct is suspected, provided that such disclosure has been established in advance as a "routine use."

(h) To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure, notification is transmitted to the last known address of the individual to whom the record pertains.

(i) To either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, or any joint committee. This does not authorize the disclosure of any record subject to this part to members of Congress acting in their individual capacities or on behalf of their constituents, unless the individual consents.

(j) To the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office.

(k) Pursuant to the order of a court of competent jurisdiction.

§ 1814.5 Procedures for requests for access to specific records pertaining to individuals, and fees charged for reproduction.

(a) The first step in gaining access to personal information is for an individual to request notification if he does not know whether or not DCPA maintains any information pertaining to him. He may, however, request access to a specific named record without requesting a notification. Such a request for notification should specify which system of DCPA records as set out in the systems notices the individual believes contains information pertaining to himself. If such a request for notification is made, DCPA will inform him whether or not said specified system of records contain any records about the requester. He may then request permission to review any of these records.

(b) A request for notification or a request for access may be made in person to the Assistant Director for Administrative Services, Room 1D511, The Pentagon, Washington, DC. Requests made by mail must be addressed to the Defense Civil Preparedness Agency, Attention: Assistant Director for Administrative Services, Washington, DC 20301.

(c) Subject to the procedures in this section, and unless the record in the system of records described above is exempt or need not be disclosed under the pro-

visions of the Act, the DoD regulation or this regulation, the individual shall be permitted to review the record and to obtain a copy in a form comprehensible to him.

(d) Requests in person may be made only at the office of the DCPA official mentioned in paragraph (b) of this section. These requests must be made between the hours of 9 a.m. and 4 p.m. Monday through Fridays, holidays excepted. Persons not authorized access to the Pentagon will be escorted to this office and will not be permitted to visit other areas of the building. If the particular record is not immediately available at that office, mutually agreeable arrangements will be made to make it so available and the requester advised as to the time the record will be furnished. Subject to the provisions of this section, an individual who so desires may be accompanied by a person selected by him.

(e) Requests by mail will be addressed to the address set in paragraph (b) of this section.

(f) The only charge for a copy of a record will be that for the cost (as set out in Appendix B of Part 1813 of this Title) of reproducing the record. No charge is made for search or for costs connected with deleting material not provided the individual. See paragraph (k) of this section. If, under said Appendix B, the fee would amount to less than \$10, such a fee is waived.

(g) If a requested record is one that would be made available under the Freedom of Information Act (5 U.S.C. 552), no verification of identity is required.

(h) An individual who asks in person for his record will be asked to furnish some acceptable identification, such as driver's license or an employing office identification card or for some verifiable verbal information. Such a request is made solely for verification of identity.

(i) An individual who asks for his record by mail shall, for verification of identity, furnish an item of information which can be used for such verification. A birth date is the preferred form of data. If information in the record is extremely sensitive, the individual may be asked to submit a notarized statement of identity.

(j) DCPA records which have been accepted by the Administrator of General Services or his designee for storage, processing and servicing in records centers remain DCPA records. Even though a record may be located at one of such centers, the request for the record should be made in accordance with this section. DCPA will obtain the record from the Administrator or his designee.

(k) Access to a record or a copy thereof will not be denied solely because the record's physical presence is not readily available (i.e., on magnetic tape) or because the context of the record may disclose sensitive information about another individual. To protect the personal privacy of other individuals who may be identified in a record, an extract shall be prepared deleting only that information which would not be released to the

requesting individual under the Freedom of Information Act.

(1) This regulation does not entitle an individual to have access to any information compiled in reasonable anticipation of a civil action or proceeding.

(m) Copies of investigatory records compiled by any investigative organization, but in the temporary custody of an element requesting the record for purposes of adjudication or other personnel action, are the records of the originating investigative organization. Individuals seeking access to such records shall be directed to the originating investigative organization and should be instructed to direct all requests submitted under the Privacy Act of 1974 to that organization. Records concerning the adjudication, or other personnel actions based on the investigative records, originated by the organization using the investigation, are the records of the using organization which shall respond to all other requests under the Privacy Act of 1974 concerning them.

§ 1814.6 Requests for and agency review, including appeal, of requests for correction or amendment of a record.

(a) An individual may request, either in person or by mail, that a record in a specified system of records be amended. Such request shall be in writing. No specific form is required. A request shall contain, as a minimum, identifying information to locate the record, a description of the items to be amended and the reason amendment is being requested. The system of records of which the record is a part should be specified. If the request cannot be processed because of lack of specificity or information, the individual may be asked to clarify the request or to submit further information. No specific form is required for an amendment. An individual shall be required to provide verification of identity as prescribed in section 5 of this part to assure that the requester is seeking to amend records pertaining to him and not inadvertently or intentionally the records of another individual.

(b) The request for amendment shall be addressed to the Assistant Director for Administrative Services (see § 1814.5 (b) of this part) who shall process the request for decision by the Deputy Director.

(c) A request to amend a personnel record, submitted in accordance with the CSC procedures, will be processed through the Director, Personnel and Employment Services, Washington, for decision by the Deputy Director.

(d) Unless the request is approved or denied within the ten days, and the individual advised, a written acknowledgment of receipt of a request for amendment of record shall be provided to the individual within ten working days (excluding Saturdays, Sundays, and legal public holidays) after receipt by the proper office. The acknowledgment will clearly identify the request and advise the individual when he may expect to be informed of action taken on the re-

quest. Whenever practicable, the decision shall be made within 30 working days. For requests presented in person, written acknowledgment may be provided at the time the request is presented.

(e) If the Deputy Director agrees with any portion or all of the individual's request to amend a record, the Deputy Director shall promptly advise the individual and the record will be amended accordingly. If a disclosure accounting has been made, all previous recipients of the record will be advised that the amendment has been made and of the substance of the correction.

(f) If the Deputy Director disagrees with all or any portion of a request to amend a record, the Deputy Director shall:

(1) Advise the individual of the refusal and the reasons therefor;

(2) Inform the individual that a request may be made for further review by the Director, and

(3) Describe the procedures for requesting such a review.

(g) Upon request in writing by the individual, the Director shall make a review of the initial determination. Such a request shall be addressed to the Director, and shall specify that part of the Deputy Director's initial decision with which the individual disagrees and the requested modification to the decision. The request shall be mailed to, or delivered as described in § 1814.5(b) of this part.

(h) If, after conducting the review, the Director also refuses to amend the record in accordance with the individual's request, the individual shall be notified:

(1) Of the refusal and the reasons therefor;

(2) Of the right to file a concise statement of reasons for disagreeing with the decision;

(3) Of the procedures for filing a statement of disagreement; and that such statement will be made available to anyone to whom the record is subsequently disclosed;

(4) That prior recipients of the disputed record will be provided a copy of the statement of disagreement to the extent that an accounting of disclosures is maintained; and

(5) Of the right to seek judicial review of the refusal to amend a record.

(i) If the Director determines that the record should be amended in accordance with the request, the record will be amended and the individual, and previous recipients, where an accounting of disclosure has been maintained, will be advised.

(j) A final determination on the request for a review of an initial refusal to amend a record must be completed within 30 working days after receipt unless the Director determines that a fair and equitable review cannot be completed in that time. If additional time is required, the individual shall be informed in writing of the reasons for the delay and of the approximate date on which the review is expected to be completed.

(k) When an individual files a statement of dispute, the record will be clearly annotated so that the dispute is apparent to anyone who may subsequently grant access to, use or disclose the record. The notation itself shall be integral to the record. Where an accounting of disclosure has been made, DCPA shall advise previous recipients that the record has been disputed and shall provide a copy of the individual's statement.

(l) A brief summary of the reasons for not making an amendment may be included when disclosing disputed information. Summaries normally will be limited to the reasons stated to the individual. The summary will be treated as part of the individual's record; however, it will not be subject to the amendment procedures.

§ 1814.7 Accounting for and informing about disclosures.

(a) Except for disclosures made pursuant to § 1814.4(a) (1) and (2), except for a disclosure for investigative purposes under § 1814.4(a) (7), and except for disclosure of records, if any, exempt from the accounting requirement under section 9, DCPA will maintain an accurate accounting of the date, nature and purpose of each disclosure of a record in a system of records to any person or agency outside the Department of Defense, and make such accounting record available to the individual to whom it pertains upon his request. Such a request shall be submitted in the same manner as a request to amend a record, as specified in § 1814.5(b).

(b) DCPA will make reasonable efforts to notify an individual when any record which pertains to him is disclosed to any person or agency under compulsory legal process.

§ 1814.8 Mailing lists and names and addresses.

(a) An individual's name and address will not be sold or rented by DCPA unless such action is specifically authorized by law. This provision shall not be construed to require the withholding of names and addresses otherwise permitted to be made public.

(b) Except where specifically set out as a routine use in the DCPA systems notices, lists or compilation of names and home addresses, or single home addresses will not be disclosed without the consent of the individual involved, to the public including, but not limited to, individual congressmen, creditors, and commercial and financial institutions. Requests for home addresses may be referred to the last known address of the individual for reply at his discretion and the requester will be notified accordingly. This prohibition does not apply to directories and similar lists of civil preparedness officials, persons qualified to perform civil preparedness tasks and skills and the like which are disseminated for a civil defense purpose; it may also be waived by the Director or Deputy Director when circumstances of a case indicate compelling and overriding interests.

§ 1814.9 Exemptions.

(a) Pursuant to subsection 3(k)(1) of the Act, those records in any of the systems of records maintained by DCPA which contain any information properly classified under Executive Order 11652 and which are required by the Executive Order to be kept secret in the national defense or foreign policy are exempt from section 3 (d) and (f) of the Act. This exemption which conceivably could be applicable to individual records in any of the records systems for which DCPA has published a systems notice is necessary because certain records in systems not specifically designated could contain isolated items of information which have been properly classified and which cannot be disclosed.

(b) Pursuant to subsection 3(k)(2) of the Act, those records in any of the systems of records for which DCPA has published systems notices which contain investigatory material compiled for law enforcement purposes are exempt from the provisions of section 3 (c)(3), (d),

(e)(4)(I), and (f) of the Act. This exemption applies to records in the following systems of records for which systems notices have been published on August 18, 1975 in the FEDERAL REGISTER.

- FEA 3-1, Civil Rights complaint and compliance files.
- LEG 5, Interest—Conflict review.
- LEG 7-1, Claims (Litigation)—Employees.
- LEG 7-2, Claims (Litigation)—Other than employees.
- LEG 8-1, Enforcement, compliance and supervision of DCPA employees.
- LEG 8-2, Enforcement (compliance)—Individuals other than DCPA employees.
- PER 6, Equal Employment Opportunity discrimination complaint files.
- PER 6A, Handicapped employees and handicapped veterans.
- PER, General personnel.

(c) DCPA will not deny an individual access to information which has been used to deny him a right, benefit or privilege.

§ 1814.10 DCPA contractors.

(a) Where DCPA hires a contractor to maintain or to participate in main-

taining a system of records as defined in § 1814.3, the contractor shall be subject to the requirements of the Act, the DoD regulation and this part, including §§ 1814.4, 1814.5 and 1814.6. Only for purposes of subsection 3(i) of the Act entitled "Criminal Penalties," a contractor, or an employee of a contractor, shall be considered to be an employee of DCPA.

(b) Educational institutions which maintain systems of records as defined in § 1814.3 in connection with a DCPA contract are not subject to the requirements of this part if such systems of records are integrated into the educational institutions regular systems of records. Thus student records maintained by the institution together with other student records of the institution are not subject to this part by virtue of the fact that DCPA paid the tuition for such student or otherwise hired the institution to conduct the training.

[FR Doc.75-26567 Filed 10-1-75;10:02 am]

DEPARTMENT OF DEFENSE

Department of the Navy

[32 CFR Part 701]

[SECNAVINST 5211.5]

In accordance with the public rule-making requirements of 5 U.S.C. 552a(j), notice is given that the Secretary of the Navy proposes to modify proposed subpart G of Part 701 of 32 CFR, 40 FR 37568, entitled "Privacy Act Exemptions," by proposing as a rule under 5 U.S.C. 552a(j) to exempt an additional system of records within the Department of the Navy from the specified subsections of 5 U.S.C. 552a. The proposed exemption was previously omitted from the proposed rules due to oversight.

Interested persons are invited to participate in the formulation of this proposed rule by submitting written data, views, and arguments to the Director, Naval Records Management Division, Office of the Chief of Naval Operations (OP-09B1), Navy Department, Washington, D.C. 20350. Oral presentations are

not desired. All written material received on or before November 3, 1975, will be considered by the Secretary of the Navy prior to publication of the proposed modification to the subpart as an adopted rule. All comments received in response to this proposal will be available for public inspection during normal business hours at the Law Library of the Office of the Judge Advocate General, room 2527, Navy Annex (Federal Office Building No. 2), Southgate Road and Columbia Pike, Arlington, Virginia.

This rule is proposed under the authority of the Privacy Act of 1974, Pub. L. No. 93-579, 5 U.S.C. 552a.

It is therefore proposed to establish a new paragraph (k) to § 701.123 in subpart G of Part 701 of 32 CFR, as follows:

(Pub. L. No. 93-579, 5 U.S.C. 552a)

§ 701.123 Exemptions for specific Navy record systems.

(k) Naval Clemency and Parole Board

SYSAME—Naval Clemency and Parole Board files.

EXEMPTION—Portions of this system of records are exempt from the following subsections of 5 U.S.C. 552a: (c) (4), (d), (e) (4) (G) and (H), and (f).

AUTHORITY—5 U.S.C. 552a(j) (2).

REASONS—Granting individuals access to records maintained by this Board could interfere with internal processes by which Board personnel are able to formulate decisions and policies with regard to clemency and parole in cases involving naval prisoners and other persons under the jurisdiction of the Board. Material will be screened to permit access to all material except such records or documents as reflect items of opinion, conclusion or recommendation expressed by individual Board members or by the Board as a whole. The exemption of the individual's right of access to portions of these records, and the reasons therefor, necessitate the partial exemption of this system of records from the requirements of the other cited provisions.

September 26, 1975.

LARRY G. PARKS.

[FR Doc. 75-26286 Filed 9-26-75; 5:07 am]

DEPARTMENT OF DEFENSE

Department of the Navy
 PRIVACY ACT OF 1974
 Notice of Systems of Records

In Federal Register Documents 75-21075 and 75-22742 published in 40 FR 35151, August 18, 1975, and 40 FR 39677, August 28, 1975, setting forth the Department of the Navy systems of records as prescribed by the Privacy Act of 1974, the following system of records was omitted due to oversight. Any public comments, including written data, views, or arguments concerning the following system of records should be addressed to the system manager identified in the notice on or before October 27, 1975.

N 31708 NC&PB

System name: Naval Clemency and Parole Board Files

System location: Naval Clemency and Parole Board, Department of the Navy, Washington, D.C. 20370.

Categories of individuals covered by the system: Members or former members of the Navy or Marine Corps whose cases have been or are being considered by the Naval Clemency and Parole Board.

Categories of records in the system: The file contains individual applications for clemency or parole, reports and recommendations thereon indicating progress in confinement or while awaiting completion of appellate review if not confined, or on parole; correspondence between the individual or his counsel and the Naval Clemency and Parole Board or other Navy offices; other correspondence concerning the case; the court-martial order and staff judge advocate's review; and a summarized record of the proceedings of the Board.

Authority for maintenance of the system: 10 U.S.C. 874(a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The file is used in conjunction with periodic review of the member's or former member's case to determine whether or not clemency or parole is warranted. The file is referred to in answering inquiries from the member or former member or their counsel. The file is referred to by the Navy Discharge Review Board and the Board for Correction of Naval Records in conjunction with their subsequent review of applications from members or former members. The file is also used by

counsel in connection with representation of members or former members before the Naval Clemency and Parole Board.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Folders are filed by name and social security number or service number.

Safeguards: Files are kept within the Naval Clemency and Parole Board administrative office. Access during business hours is controlled by Board personnel. The office is locked at the close of business; the building in which the office is located employs security guards.

Retention and disposal: Files are permanent. They are retained in the Naval Clemency and Parole Board's administrative office until all portions of the sentence have been completed and the discharge has been executed. After that the folders are sent to Washington National Records Center, 4025 Suitland Road, Suitland, Maryland, 20023.

System manager(s) and address: Director, Navy Council of Personnel Boards, Department of the Navy, Washington, D.C. 20370.

Notification procedure: Information may be obtained from the Naval Clemency and Parole Board, Department of the Navy, Washington, D.C. 20370. Telephone 202/694-2289.

Record access procedures: The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories: Information contained in the file is obtained from the member or former member or from those acting in their behalves, from confinement facilities, from military commands and offices, from personnel service records and medical records, and from civilian law enforcement agencies or individuals.

Systems exempted from certain provisions of the act: Portions of this system may be exempt under 5 U.S.C. 552a(j) or (k), as applicable. For additional information contact the system manager.

Dated: September 26, 1975.

Larry G. Parks,
 Captain, JAGC, U.S. Navy,

Assistant Judge Advocate General (Civil Law).

[FR Doc. 75-26287 Filed 9-26-75; 5:07 pm]

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

[5 CFR Part 1705]

PRIVACY ACT OF 1974

Proposed Rules

SEPTEMBER 24, 1975.

Pursuant to the Privacy Act, 5 U.S.C. 552a as enacted December 31, 1974 (Pub. L. 93-579) which requires agencies to publish rules for access, amendment and exemption of systems of records under section (f), it is proposed to amend Chapter VII of Title 5 of the Code of Federal Regulations by adding Part 1705 to read as set forth below.

Part 1705 contains the Advisory Commission on Intergovernmental Relations' rules which set forth agency procedures regarding an individual's access to and amendment of records pertaining to him within a system of records maintained by the agency or within its custody and also any rules exempting disclosure of certain records.

Interested persons are invited to submit comments, data, or arguments until October 26, 1975 to: Assistant to the Executive Director, Advisory Commission on Intergovernmental Relations, 726 Jackson Place, N.W., Washington, D.C., 20575. The comments, data, views, and arguments will be available for public inspection at the above address, between the hours of 9 a.m. and 5 p.m., Monday through Friday (except holidays), as received until October 26, 1975.

WAYNE F. ANDERSON,
Executive Director.

The proposed new Part 1705 reads as follows:

PART 1705—PRIVACY

- Sec.
- 1705.1 Purpose and scope.
- 1705.2 Definitions.
- 1705.3 Procedures for requests pertaining to individual records in a record system.
- 1705.4 Times, places, and requirements for identification of individuals making requests.
- 1705.5 Disclosure of requested information to individuals.
- 1705.6 Special procedures: Medical records.
- 1705.7 Request for correction or amendment of record.
- 1705.8 Agency review of request for correction or amendment of record.
- 1705.9 Appeal of initial adverse agency determination on correction or amendment.
- 1705.10 Disclosure of record to person other than the individual to whom it pertains.
- 1705.11 Fees.
- 1705.12 Penalties.
- 1705.13 General and specific exemptions.

AUTHORITY: Privacy Act 1974, Pub. L. 93-579, 88 Stat. 1896 (5 U.S.C. 552a).

§ 1705.1 Purpose and scope.

(a) The purpose of this part is to set forth rules to inform the public about information maintained by the Advisory Commission on Intergovernmental Relations about individuals, to inform those individuals how they may gain access

to and correct or amend information about themselves, and to exempt disclosure of identity of confidential sources of certain records.

§ 1705.2 Definitions.

For the purposes of this part, unless otherwise required by the context—

(a) "ACIR" means the agency, the Advisory Commission on Intergovernmental Relations.

(b) "Individual" means a citizen of the United States or an alien lawfully admitted for permanent residence.

(c) "Maintain" means maintain, hold, collect, use or disseminate.

(d) "Record" means any item, collection or grouping of information about an individual that is maintained by ACIR including, but not limited to, his education, financial transactions, medical history, and criminal or employment history, that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print, or a photograph.

(e) "System of records" means a group of any records under the control of ACIR from which information is retrieved by the name of the individual or by some identifying particular assigned to the individual.

§ 1705.3 Procedures for requests pertaining to individual records in a records system.

Individuals desiring to know if a specific system of records maintained by ACIR contains a record pertaining to them should submit written requests, stating that the request is made under the Privacy Act of 1974.

§ 1705.4 Times, places, and requirement for identification of individuals making requests.

(a) Written request should be addressed to Assistant to the Executive Director, Advisory Commission on Intergovernmental Relations, 726 Jackson Place, N.W., Washington, D.C., 20575, or may be delivered to the above address during the hours of 9 a.m. to 5 p.m., Monday through Friday (except holidays).

(b) Satisfactory identification (i.e., employee identification number, other identifying number, name, current address, and other information deemed necessary for complete identification) must be provided to ACIR prior to review of the record. The requestor will be provided the opportunity to review the records between the hours of 9 a.m. and 5 p.m., Monday through Friday (except holidays) at the address in subsection (a) of this Section.

(c) The individual seeking access to his record may also have another person accompany him during his review of the records. If the requestor desires another person to accompany him during the inspection, the requestor must sign a statement, to be furnished to the ACIR representative at the time of the inspection, authorizing such other person to accompany him.

§ 1705.5 Disclosure of requested information to individuals.

The Assistant to the Executive Director or his designated representative will advise the requestor in writing within ten working days of receipt of the request whether, to what extent, and approximately when and where access shall be granted. Within 30 days of receipt of the request, the records will be made available for review at the address in subsection a of § 1705.4.

§ 1705.6 Special procedures: Medical records.

(a) If medical records are requested for inspection which, in the opinion of the Assistant to the Executive Director, may be harmful to the requestor if personally inspected by him, such records will be furnished only to a licensed physician, designated to receive such records by the requestor. Prior to such disclosure, the requestor must furnish a signed written authorization to ACIR to make such disclosure and the physician must furnish a written request to the Assistant to the Executive Director for the physician's receipt of such records.

(b) Verification of the requestor's signature will be accomplished by a comparison of signatures if such authorization is not executed within the presence of an ACIR representative.

§ 1705.7 Request for correction or amendment to record.

(a) If the individual disagrees with the information in the record, he may request that the record be amended by addition or deletion. Such a request must be in writing and directed to the Assistant to the Executive Director, Advisory Commission on Intergovernmental Relations, 726 Jackson Place N.W., Washington, D.C. 20575. The request must also specifically outline the amendment sought.

(b) Routine request of ACIR personnel, vendors, and mailing list recipients for such matters as address and change of title or organization may be made in writing to the Assistant to the Executive Director. If such routine requests involve other types of amendments, then the procedure to be followed is that outlined in subsection (a) of this section.

§ 1705.8 Agency review of request for correction or amendment of record.

(a) The Assistant to the Executive Director or his designated representative will acknowledge receipt of the request within ten working days from the date of receipt of such request. Under normal circumstances, not later than 30 days after receipt of the request for amendment, the Assistant to the Executive Director will either:

(1) Amend the record and notify the requestor in a written letter of determination to what extent the record is amended; or

(2) If the amendment or correction is denied in whole or in part, notify the requestor in a written letter of determination and the reason for denial and the

requestor's right to request review by the Executive Director.

§ 1705.9 Appeal of initial adverse agency determination on correction or amendment.

(a) The requestor may appeal any determination of the Assistant to the Executive Director not to amend a record by submitting a written request for review of refusal to amend a record to the Executive Director, Advisory Commission on Intergovernmental Relations, 726 Jackson Place NW., Washington, D.C. 20575. Such a request shall indicate the specific corrections or amendments sought. Not later than 30 days from receipt of a request for review (unless such period is extended by the Executive Director for good cause shown), the Executive Director will complete such a review and make a final determination on the request, and shall advise the requestor in a written letter of determination whether and to what extent the correction or amendment is denied, in whole or in part, the letter of determination will specify the reasons for such denial.

(b) If the Executive Director makes a final determination not to amend the record, the individual may provide ACIR a concise written statement explaining the reasons for disagreement with the refusal.

(c) In addition, the individual may file a civil action in the U.S. District Court to seek an order compelling ACIR to amend the record as requested.

§ 1705.10 Disclosure of record to person other than the individual to whom it pertains.

(a) The requestor seeking access to his record may also designate another person or persons to review the records. In such instance, the requestor must sign a statement, to be furnished to, and

verified by, the ACIR representative at the time the designated individual appears to review the record.

(b) A parent of a minor, upon presenting suitable personal identification, may have access on behalf of the minor any record pertaining to the minor maintained by ACIR in a system of records. A legal guardian may similarly act on behalf of an individual declared to be incompetent due to physical or mental incapacity or age by a court of competent jurisdiction, upon the presentation of the documents authorizing the legal guardian to so act, and upon suitable personal identification of the guardian.

(c) Nothing in this section shall be construed to entitle an individual the right to access to any information compiled in reasonable anticipation of a civil action or proceeding.

§ 1705.11 Fees and copies of records.

(a) Rules governing requests for copies of records are the same as those for the granting of access to the records.

(b) The requestor will not be charged for:

(1) the search and review of the record,

(2) any copies of the record produced as a necessary part of the process of making the record available for access, or

(3) any copies of the requested record when it has been determined that access can only be accomplished by providing a copy of the record through the mail.

(c) The Assistant to the Executive Director may, at no charge, provide copies of a record if it is determined the production of the copies is in the interest of the government.

(d) Fees will be charged as provided below except as provided in subsections (b) and (c) of this section.

(1) Records will be duplicated at a rate of \$.10 per page for all copying of four or more pages. There is no charge for duplicating three or fewer pages.

(2) Where it is anticipated that the fees chargeable under this section will amount to more than \$25.00, the requestor shall be promptly notified of the amount of the anticipated fee or such portion thereof as can readily be estimated. In instances where the estimated fees will exceed \$25.00, an advance deposit may be required. The notice or request for an advance deposit shall extend an offer to the requestor to consult with ACIR personnel in order to reformulate the request in a manner which will reduce the fees, yet still meet the needs of the requestor.

(3) Remittances shall be in the form either of a personal check or bank draft drawn on a bank in the United States, or a money order. Remittances shall be made payable to the order of the Treasury of the United States and mailed or delivered to the Assistant to the Executive Director, Advisory Commission on Intergovernmental Relations, 726 Jackson Place, NW., Washington, D.C., 20575.

(4) A receipt for fees paid will be given upon request.

§ 1705.12 Penalties.

Any person who knowingly and willfully request or obtains any record concerning an individual from ACIR under false pretenses shall be guilty of a misdemeanor and fined not more than \$5,000.

§ 1705.13 General and specific exemptions.

None.

WAYNE F. ANDERSON,
Executive Director.

[FR Doc. 75-26290 Filed 9-26-75; 5:00 pm]

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS PRIVACY ACT OF 1974 Notice of Systems of Records

The Commission proposes to adopt the following notices of systems of records containing information about individuals to implement the Privacy Act of 1974 (Pub. L. 93-579, 5 U.S.C. 552a). Public notice of the existence and character of each system of records maintained by an agency is prescribed by section 552a (e) (4) of the Privacy Act.

The U.S. Civil Service Commission is issuing proposed notices of governmentwide systems of personnel records on behalf of all agencies maintaining such records, and regulations specifying the manner in which the agencies shall permit access to them and take other action required by the Privacy Act. Other than for those systems of personnel records of which notice will be published by the Civil Service Commission, the attached proposed notices embrace all systems of records maintained by the Commission subject to the Privacy Act.

Pursuant to sections 552a (e)(4)(D) and (e)(11) of the Privacy Act, interested persons may submit written data, views, or arguments pertaining to the routine uses set forth in each of these notices. Comments on these routine uses received by the Commission on or before October 26, 1975, will be considered by the Commission before taking final action on the notices of routine uses. Such comments should be addressed to the Assistant to the Executive Director, Advisory Commission on Intergovernmental Relations, 726 Jackson Place, NW., Washington, D.C. 20575.

Wayne F. Anderson
Executive Director

Systems of Records Containing Information About Individuals—Proposed Notices Implementing the Privacy Act of 1974

Table of Contents

- (1) Audience Mailing List—ACIR
- (2) Financial Accounts—ACIR
- (3) Personnel Records—ACIR
- (4) Official Personnel Files—ACIR

ACIR—1

System name: Audience Mailing List—ACIR

System location: The system is maintained by a contractor at his place of business. Since the contractor may change from time-to-time, the system is administered by:

Assistant to the Executive Director, Advisory Commission on Intergovernmental Relations, 726 Jackson Place, NW., Washington, D.C. 20575

Categories of individuals covered by the system: The system contains individuals and organizations representing the executive and legislative sectors of all levels of government, community civic and business leaders, members of the academic community, and other individuals (both foreign and domestic) interested in government.

Categories of records in the system: Name of individual or organization, title, address. The individual is provided with functional codes up to five out of a possible 999 choices, five interest codes from a possible 99, and one publication (Privacy Act) code. Each entity is also assigned an identification number.

Authority for maintenance of the system: The Advisory Commission on Intergovernmental Relations Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To mail commission reports, announcements, recommendations, as well as other information on government and intergovernmental relations produced by the Commission and others.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information in the system of records is maintained on keypunch cards and optical scanning sheets until entered into the master magnetic tape.

Retrievability: An individual report may be retrieved only by specific identification number assigned at the time it is placed in the system.

Safeguards: The physical master tapes are kept in locked, fireproof cabinets, in limited access facilities, in a guarded bank building. Access to the master tape for routine uses is restricted to the system manager and his assistant (two people) and requires 1043 OCR Key punch encoded information in proper sequential presentation.

Retention and disposal: The records are maintained until the recipient no longer classifies as important for ACIR retention. Updating is handled biennially at the minimum and is ongoing regularly. Disposal is handled by electronic erasure. All paperwork is destroyed when the record is entered into the master file.

System manager(s) and address: Assistant to the Executive Director, Advisory Commission on Intergovernmental Relations, 726 Jackson Place, NW., Washington, D.C. 20575.

Notification procedure: Same as the above. See Commission access regulations.

Record access procedures: Same as the above. See Commission access regulations.

Contesting record procedures: Same as the above. See Commission access regulations.

Record source categories: The individual record is created from individual responses, public and organizational directories, other mailing lists, and information obtained in the day-to-day operation of the Commission. The individual is notified at least biennially that he is on the system and has the right to be removed or to limit the use of his record by the Commission.

ACIR—2

System name: Financial Accounts—ACIR

System location: Advisory Commission on Intergovernmental Relations, 726 Jackson Place, NW., Washington, D.C. 20575

Categories of individuals covered by the system: Anyone having or entering into financial transactions with the Commission including employees, other individuals, and organizations.

Categories of records in the system: Contains all information regarding the financial transactions of the individual or organization with the commission, including records of payments to or from said organizations and individuals, as well as those records that have a bearing on the amount of the transactions.

Authority for maintenance of the system: The Advisory Commission on Intergovernmental Relations Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To check the validity of current financial transactions, an internal operation only.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In 8 1/2 by 11 inch manila files, in fireproof file cabinets, in Federally protected, secured building.

Retrievability: Indexed by name and by financial transaction number.

Safeguards: Federally secured building.

Retention and disposal: All records are maintained for three years in the ACIR offices, two years in the ACIR warehouse or GSA Archives, and then they are destroyed.

System manager(s) and address: Accountant, Advisory Commission on Intergovernmental Relations, 726 Jackson Place, NW., Washington, D.C. 20575

Notification procedure: Assistant to the Executive Director, (address is same as above). See Commission access regulations.

Record access procedures: Same as above. See Commission access regulations.

Contesting record procedures: Same as above. See Commission access regulations.

Record source categories: The individual or organization upon whom the record is maintained.

ACIR—3

System name: Secondary Personnel Records—ACIR

System location: Advisory Commission on Intergovernmental Relations, 726 Jackson Place, NW., Washington, D.C. 20575

Categories of individuals covered by the system: Present and former members of the Commission and present and former employees of the Commission.

Categories of records in the system: Personnel forms, correspondence, memorandum, and other documents pertaining to the performance and employment history of each individual. This is a secondary system of records as the Commission's official personnel records are maintained by the U. S. Civil Service Commission.

Authority for maintenance of the system: The Advisory Commission on Intergovernmental Relations Act, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To verify performance and employment histories.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In 8 1/2 by 11 inch manila files in locked, fireproof, file cabinet. All records are paper entries.

Retrievability: By name.

Safeguards: The files are in a locked, fireproof, file cabinet. Access is limited by key lock, with keys only in the hands of the system manager and one delegated representative.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Administrative Officer, Advisory Commission on Intergovernmental Relations, 726 Jackson Place, NW., Washington, D.C. 20575.

Notification procedure: Same as above. See Commission access regulations.

Record access procedures: Same as above. See Commission access regulations.

Contesting record procedures: Same as above. See Commission access regulations.

Record source categories: Official personnel records, Commission and GSA Personnel and Finance Offices, supervisors, letters of reference and commendation furnished by agency officials or persons from private industry and the public, education information supplied by colleges and universities, and from the individual.

ACIR-4

System name: Official Personnel Files—ACIR

System location: Agency Liaison Division, Office of Administration, General Services Administration, Washington, D.C. 20405

Categories of individuals covered by the system: Present and former members of the Commission and present and former employees of the Commission.

Categories of records in the system: General personnel information, including, among other data, applications, suggestions, position descriptions, request for and notification of personnel action, employee performance ratings and promotion appraisals, time and attendance records, security clearances, titles, salary, employment history, home address, age, marital status, SSN, home telephone number, resume, and letters of recommendation. System contains copies of Civil Service Commission and GSA personnel forms including SF 50, Notification of Personnel Action; SF 52, Request for Personnel Action; SF 171, Personnel Qualification Statement; etc.

Authority for maintenance of the system: The Advisory Commission on Intergovernmental Relations Act, and 31 U.S.C.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: A record from this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement or a grievance, complaint, or appeal filed by an employee. A record of this system of records may be disclosed to the United States Civil Service Commission in accordance with the agency's responsibility for evaluation and oversight of federal personnel management.

A record from this system of records may be disclosed to officers and employees of a federal agency for purposes of audit.

A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

Records also are released to GAO for audits; to the IRS for investigation; and to private attorneys pursuant to a power of attorney.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and microfilm.

Retrievability: Social Security Number and name.

Safeguards: Stored in guarded building; released to authorized personnel.

Retention and disposal: Retained indefinitely. Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: Administrative Officer, Advisory Commission on Intergovernmental Relations, 726 Jackson Place, NW., Washington, D.C. 20575.

Notification procedure: See Commission access regulations.

Record access procedures: See Commission access regulations.

Contesting record procedures: See Commission access regulations.

Record source categories: The subject individual and the Commission.

[FR Doc.75-26289 Filed 9-26-75; 5:00 pm]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

PRIVACY ACT OF 1974

Additional Systems of Records Notices

In two previous FEDERAL REGISTER notices, the Department of the Interior proposed adoption of notices describing records which it maintains which are subject to section 3 of the Privacy Act of 1974, 5 U.S.C. 552a. A notice published in the FEDERAL REGISTER on September 5, 1975, proposed adoption of 205 systems notices. (40 FR 41432-41507.) A notice published in the FEDERAL REGISTER on September 19, 1975, proposed adoption of 35 additional system notices. (40 FR 43467.)

The Department has now identified additional systems of records subject to section 3 of the Privacy Act. These systems are described in notices set out below.

The publication of the earlier groups of notices in proposed format, with the exception of the "Routine Uses" paragraph of each notice, was not required by either the Privacy Act or 5 U.S.C. 553, but was undertaken by the Department in an effort to solicit public reaction to the notices. Because the effective date of the Privacy Act is imminent, the Department has determined that it is impractical to publish this latest group of notices in proposed format. Accordingly, pursuant to authority granted by 5 U.S.C. 301 and 552a and 43 U.S.C. 1460, the Department adopts the notices set out below, with the exception of the "Routine Use" paragraph of each notice.

So that these notices will be in effect on the effective date of the Privacy Act, good cause for waiver of the 30-day period for effectiveness exists and the notices will, accordingly, take effect on September 27, 1975.

In accordance with the public policy expressed in 5 U.S.C. 553 and the Department's policy statement of May 4, 1971, the Department will, however, accept and consider any comments on these notices. Comments should be submitted to the Assistant Solicitor, General Legal Services, at the address given below and must be received by October 17, 1975.

The Privacy Act does require advance publication of the "Routine Use" section of systems notices. The "Routine Use" paragraphs set out below are thus proposed for adoption and written public comments thereon are solicited.

Comments on the "Routine Use" paragraphs may be submitted to the Assistant Solicitor, General Legal Services, Office of the Solicitor, U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240. All comments received on or before October 17, 1975, will be considered. Copies of any comments which are received will be available for inspection in Room 6525 at the above address.

September 20, 1975.

RICHARD R. HITE,

Deputy Assistant Secretary of the Interior.

Interior/05-40

System name: Aircraft Instructor Qualification File—Interior, Office of the Secretary—40.

System location: Division of Technical Services, Office of Aircraft Services (OAS), 3905 Vista Avenue, Boise, Idaho 83705.

Categories of individuals covered by the system: Department of the Interior (DOI) employees.

Categories of records in the system: This system contains data concerning DOI employees trained by OAS to instruct aviation related subjects within DOI, including addresses, phone numbers, and notification procedures.

Authority for maintenance of the system: 5 U.S.C. 301, Reorganization Plan 3 of 1950.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Maintain updated instructor qualification records. (2) Used to refer instructors to DOI bureaus/offices requesting training assistance. (3) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (4) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, state, local or foreign, charged with the responsibility of investigation or

prosecuting such violation or charged with enforcing or implementing the statute, rule regulation, order or license violated or potentially violated.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:—records are maintained in manual form.

Retrievability: records are indexed by name, instructional function, bureau/office.

Safeguards: access to and use of these records are limited to those persons whose official duties require such access.

Retention and disposal: records are maintained on a current basis and disposed of when superseded.

System manager(s) and address: Chief, Technical Services Division, Office of Aircraft Services, 3905 Vista Avenue, Boise, Idaho 83705.

Notification procedure: Inquiries should be directed to the System Manager. See 43 CFR 2.60 for submission requirements.

Record access procedures: Inquiries should be directed to the System Manager. See 43 CFR 2.63 for submission requirements.

Contesting record procedures: Inquiries should be directed to the System Manager. See 43 CFR 2.71 for submission requirements.

Record source categories: Information in this system comes from individuals to whom it applies and Technical Representative (Training), OAS.

Interior/05-41

System name: Aircraft Crew/Mechanic Information File (Commercial Operations)—Interior, Office of the Secretary—41.

System location: (1) National Headquarters, Division of Technical Services, Office of Aircraft Services, 3905 Vista Avenue, Boise, Idaho 83705. (2) Regional Office, Regional Director, Office of Aircraft Services, 1935 Merrill Field Drive, Anchorage, Alaska 99501.

Categories of individuals covered by the system: Aircraft crew/mechanic employees of commercial operators, utilized by Department of the Interior (DOI) bureaus/offices.

Categories of records in the system: The system contains information relative to certificates, qualifications, experience levels, training and proficiency, performance information, and accident experience data.

Authority for maintenance of the system: 5 U.S.C. 301, Reorganization Plan 3 of 1950.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Records of information are used to determine pilot qualifications to comply with contract specifications. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records of the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, state, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: records are maintained in manual form.

Retrievability: records are indexed by name.

Safeguards: access to and use of these records are limited to those persons whose official duties require such access.

Retention and disposal: records are maintained on a current basis and disposed of when superseded.

System manager(s) and address: (1) For National Headquarters—Chief, Technical Services Division, Office of Aircraft Services, 3905 Vista Avenue, Boise, Idaho 83705. (2) For Regional Office—Regional Director, Office of Aircraft Services, 1935 Merrill Field Drive, Anchorage, Alaska 99501.

Notification procedure: Inquiries should be directed to the System Manager. See 43 CFR 2.60 for submission requirements.

Record access procedures: Inquiries should be directed to the System Manager. See 43 CFR 2.63 for submission requirements.

Contesting record procedures: Inquiries should be directed to the System Manager. See 43 CFR 2.71 for submission requirements.

Record source categories: Information in this system comes from individuals to whom it applies and Technical Representatives, Office of Aircraft Services.

Interior/05—43

System name: Library Circulation Control System—Interior, Office of the Secretary—43.

System location: (1) Office of Library Services, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240. (2) Libraries maintained by bureaus and offices of the Department. (List of addresses may be obtained from the System Manager.)

Categories of individuals covered by the system: Borrowers of library materials from Department of the Interior libraries.

Categories of records in the system: Borrowers' name and working address, book call number and due date.

Authority for maintenance of the system: 43 U.S.C. 67a, 1457, 1467, 40 U.S.C. 483(b), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Control of library materials. (2) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulator in nature, to the appropriate agency or agencies, whether Federal, state, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: SJ manual card file.

Retrievability: name, call number, date due.

Safeguards: attended constantly during working hours, library locked thereafter.

Retention and disposal: current year plus one, disposed of in regular trash.

System manager(s) and address: Director, Office of Library Services, Department of the Interior, Washington, D.C. 20240.

Notification procedure: Inquiries regarding the existence of records shall be addressed to the System Manager, with respect to records located in the Office of Library Services, and to individual librarians with respect to records located in the facility for which each is responsible. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access shall be addressed to the System Manager, with respect to records located in the Office of Library Services, and to individual librarians with respect to records located in the facility for which each is responsible. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individuals using library services.

Interior/FWS—26

System name: Migratory Bird Populations and Harvest Systems—Interior, FWS—26.

System location: (1) Office of Migratory Bird Management, U.S. Fish and Wildlife Service, U.S. Department of the Interior, Patuxent Wildlife Research Center, Laurel, Maryland 20811. (2) Minor portions of the files comprising the system are found in the Washington Office, Regional Offices, and field offices of the U.S. Fish and Wildlife Service; offices of State conservation agencies, and other Federal and State agencies; universities; national, regional and local conservation organizations; and individuals who contribute to the collection of population and harvest information which is eventually transferred to the Office of Migratory Bird Management, Laurel, Maryland, for storage.

Categories of individuals covered by the system: The system contains information on: (1) Persons applying for bird banding permits. (2) Persons issued bird banding permits. (3) Persons reporting upon banded birds encountered in the wild. (4) Persons participating in migratory bird population surveys. (5) Persons submitting harvest data for migratory game birds taken under hunting regulations. (6) Unidentified persons observed in the field hunting migratory game birds.

Authority for maintenance of the system: Migratory Bird Treaty Act of July 3, 1918 (16 U.S.C. 703-711; 40 Stat. 755).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Data from the various files comprising the system are routinely used by biologists of the U.S. Fish and Wildlife Service, Canadian Wildlife Service, State and Provincial conservation agencies, to further the understanding, management, and utilization of the North American Migratory bird resource. (2) Portions of the data files are routinely or upon request supplied to cooperators and researchers in other Federal, state, and local agencies; members of national, regional, or local conservation organizations; university researchers and private individuals who establish a need for the information. (3) Copies of bird banding files are routinely provided to the Canadian Wildlife Service, Environmental Management Service, Department of the Environment, Ottawa, Ontario, KLA OH3, Canada, as part of a cooperative agreement. (4) Portions of the files are supplied routinely to wildlife resource agencies or upon special request to researchers and individuals demonstrating bona fide needs. (5) Contributors of band recovery information are provided with data relating to the banding of the banded bird they reported; likewise, contributors of survey and harvest information are sometimes supplied with reports of population and harvest surveys to which they had contributed. (6) Reports of summarized and analyzed data originating from banding and surveys are analyzed and published by the U.S. Fish and Wildlife Service and other cooperating agencies; studies containing analyzed migratory bird population and harvest data also appear in the technical literature. (7) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (8) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, state, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation order or license violated or potentially violated.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: records comprising the various files of the system are maintained on paper forms and correspondence, punched and/or interpreted cards, magnetic computer tape, computer printouts or listings, magnetic disc packs, microfilm, and microfiche cards. Summarized information is found in unpublished and published reports.

Retrievability: the files comprising the system are indexed in various ways depending upon the nature and use of the record. Files may be arranged by type of survey, species of migratory birds, cooperators, time periods, geographical areas, and biological characteristics of the banded, observed or harvested bird. Most of the files are oriented to the migratory bird resource and its utilization; the identity of the individual person is retained only for edit, banding authority compliance, response, and acknowledgement purposes. In the banding files the identity of the bander is permanently obtainable through interpretation of the permit number. Inasmuch as banding and other surveys of migratory birds and their harvest are based upon statistical sampling of a larger universe, the identity of individuals is usually deleted early in the analysis.

Safeguards: records comprising the system are stored within the fenced and locked premises of the Patuxent Wildlife Research Center, Laurel, Maryland. The records themselves are stored within a locked building and the master computer files are retained in a locked vault. Only authorized individuals have access to these records. Magnetic tape files containing records of banded birds are stored for computer processing at the Washington Computer Center of the Department of the Interior. Current versions of banding tape files are stored in a locked, fire and explosion proof vault. Backup versions are stored in a library that must be entered through two locked doors. All requests for data, beyond those routinely supplied to cooperators, are reviewed by the Assistant Chief, Office of Migratory Bird Management, Laurel, Maryland. Care is taken to insure that the requesting individual has a legitimate need for the information and that the information which is supplied is limited to his specific needs. Furthermore, care is taken to protect the proprietary rights of researchers to first use of data arising from their personal banding efforts; persons requesting data generated by other researchers are instructed to secure clearance for use of the data with the original bander. Policies regarding the release and use of bird banding data are developed in consultation with the Canadian Wildlife Service and other cooperators. Means for developing improved safeguards for the computer record files at Laurel, and

policies regarding release of data from the files maintained there are presently under study.

Retention and disposal: some records are maintained only for a few days until the data can be transferred to other media, such as computer tapes or microfilm, for permanent storage. Because of the great scientific value attached to some of the files, such as those comprising the North American Bird Banding Program, source documents of banding are retained indefinitely; this is done to facilitate the possible correction and edit of those records. In contrast, source documents for other files are periodically destroyed by recycling. Computer tabulations are retained for five years or until such time as they have been updated. A system to catalog computer files is being developed; this system will insure that obsolete files are destroyed while insuring the retention of those required for current or future use.

System manager(s) and address: Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Room 2247, Main Interior Building, Washington, D.C.

Notification procedure: An individual desiring to know whether the system contains information relating to himself may address his inquiry to the System Manager. An individual seeking information about the system should provide his complete name and address, and if possible, indicate the nature of the data file (banding, population surveys, migratory game bird harvests, etc.) in which he is most interested.

Record access procedures: Inquiries concerning access to and correction of records in the system may be directed to the System Manager.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and meet the requirements of 43 CFR 2.71.

Record source categories: The files comprising the Migratory Bird Populations and Harvest System evolve from several diverse groups of people. These may be generally categorized as (1) persons applying for authority to band birds, (2) persons granted authority to band birds, (3) persons reporting encounters with banded birds, (4) persons supervising or participating in various population surveys of migratory birds, (5) persons purchasing migratory bird hunting stamps, and (6) persons who hunt migratory game birds or otherwise utilize the migratory game bird resource.

Interior/FWS—27

System name: Correspondence Control System—Interior, FWS—27.

System location: Office of the Director, U.S. Fish and Wildlife Service, Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

Categories of individuals covered by the system: U.S. Senators and Representatives, Governors of States, members of the public.

Categories of records in the system: Correspondence.

Authority for maintenance of the system: 5 U.S.C. 301, 43 U.S.C. 1467, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Provides control for prompt handling of priority correspondence by the U.S. Fish and Wildlife Service. (2) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: maintained in manual form in file folders.

Retrievability: indexed alphabetically by name of congressman or letter writer and number assigned to correspondence

Safeguards: maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records.

Retention and disposal: copies are destroyed after one year.

System manager(s) and address: Chief, Correspondence Services Office, U.S. Fish and Wildlife Service, Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

Notification procedure: Same as above. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester and must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment may be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

Record source categories: Individual from whom incoming letter was received.

Interior/GIA—23

System name: Employment Assistance Case Files—Interior, BIA—23.

System location: Central Office, Area, Agency and Field Employment Assistance Office of the BIA. (See Appendix for addresses.)

Categories of individuals covered by the system: Individual Indians who are given assistance in connection with direct employment service or adult vocational training.

Categories of records in the system: Application for assistance, departure and arrival schedules, records documenting financial assistance, training plans, contact sheets recording counseling and guidance service, employment referral and placement records, and reports on progress. Case history of employment assistance for individual Indians.

Authority for maintenance of the system: 25 U.S.C. 13.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Identification of individual Indians who are given direct employment or vocational training and provides permanent records on employment assistance to individual Indians. (2) Granting of access or transfer to another Federal agency, a state or local government, Indian tribal group or to any individual or establishment that will have jurisdiction whether by contract to the BIA, by assumption of trust responsibilities or by other means, for employment assistance programs now controlled by the BIA. (3) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records. (4) Transfer, in the event there is indicated a violation or a potential violation of a statute, regulation, rule, order or license whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: maintained in manual form in file folders.

Retrievability: indexed alphabetically by name of applicant and/or recipient.

Safeguards: maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records.

Retention and disposal: transfer inactive files to GSA Federal Records Center 5 years after case is closed.

System manager(s) and address: Director, Office of Tribal Resources Development, Bureau of Indian Affairs, 18th and C Streets, N.W., Washington, D.C. 20245.

Notification procedure: System Manager or, with respect to records maintained in the office for which he is responsible, an Agency Superintendent or an Area or Field Office Director. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed the same as for notification. The request must be in writing and be signed by the requester, and must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

Record source categories: Applicants and/or recipients.

Interior/BLM—25

System name: Outer Continental Shelf Lease Sale—Interior, BLM—25.

System location: Alaska OCS Office, BLM, 800 A Street, P.O. Box 1159, Anchorage, Alaska 99510; Atlantic OCS Office, BLM, 6 world Trade Center, Suite 600D, New York, New York 10048; Gulf OCS Office, BLM, 1001 Howard Avenue, The Plaza Tower, Suite

3200, New Orleans, Louisiana 70113; and Pacific OCS Office, BLM, 300 North Los Angeles Street, Los Angeles, California 90012.

Categories of individuals covered by the system: Qualified bidders. (The records contained in this system which pertain to individuals contain principally proprietary information concerning sole proprietorships. Some of the records in the system which pertain to individuals may reflect personal information, however. Only the records reflecting personal information are subject to the Privacy Act. The system also contains records concerning corporations, other business entities and organizations. These records are not subject to the Privacy Act.)

Categories of records in the system: The record contains the bidder's name, assigned identification number, description of the area bid, percent of interest in bid, and the ranking of each bid.

Authority for maintenance of the system: 43 U.S.C. 1331.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Identify successful bidders for each sale. (2) Publication of information for all bids on each lease sale. (3) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records. (4) Transfer, in the event there is indicated a violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, state, local or foreign, charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: maintained on mag-tape.

Retrievability: indexed by name of bidder, bidder identification number, and description of area bid.

Safeguards: maintained with safeguards meeting the requirements of 43 CFR 2.51 for computerized records.

Retention and disposal: record disposal after publication new record created for each state.

System manager(s) and address: Official in charge of each Outer Continental Shelf Office.

Notification procedure: System manager. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System manager and must meet the requirements of 43 CFR 2.71.

Record source categories: Bidders.

Interior/MESA—11

System name: National Mine Health and Safety Academy Records—Interior, MESA—11.

System location: National Mine Health and Safety Academy Mining Enforcement and Safety Administration, 109 South Fayette Street, Beckley, West Virginia 25807.

Categories of individuals covered by the system: Federal and State Mine Inspectors and Inspector Trainees, other Federal employees, and other individuals who either attend the Academy as students or who receive training through correspondence courses.

Categories of records in the system: Records contain data relative to name of student, place of employment, course name, instructor evaluation, and course and cumulative grade achievement associated with each student. A photograph is maintained for each student who physically attends the Academy facilities.

Authority for maintenance of the system: Sections 502 and 505 of PL 91-173, Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 952, 954) and section 15 of PL 89-577, Federal Metal and Nonmetallic Mine Safety Act. (30 U.S.C. 734).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records may be used: (1) By agency officials for purposes of review in connection with an employee's probationary period, transfer, promotion, or determination of qualifications of the individual. (2) To provide information to prospective employers of a

Government employee or former Federal employee or to an organization at the request of the student. (3) To provide statistical reports to Congress, agencies, and the public relative to Health and Safety training. (4) To provide information to another educational institution for training purposes. (5) To respond to requests from labor organizations for names and training information. (6) To provide information or disclose to a Federal or State agency, in response to its request, in connection with the hiring or retention of an employee or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (7) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (8) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order, or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation charged with enforcing or implementing the statute, rule, regulation, order, or license violated or potentially violated.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are kept on forms devised by the Academy and are stored in letter sized cabinets.

Retrievability: Records are indexed by name, organization, and place of work by date of class.

Safeguards: Records are maintained in locked file cases or cabinets.

Retention and disposal: Permanent records.

System manager(s) and address: Registrar, National Mine Health and Safety Academy, Mining Enforcement and Safety Administration, 109 South Fayette Street, Beckley, West Virginia 25801.

Notification procedure: Inquiries regarding records in this file should be addressed to the Systems Manager. Requests must be in writing and be signed by the requester. For additional information see 43 CFR 2.60.

Record access procedures: Individuals may write, visit or call the Systems Manager at the address indicated above for information concerning procedures involved in gaining access to the records in this file (Area Code 304, Telephone 252-8627). For additional information on this subject see 43 CFR 2.63.

Contesting record procedures: Same as Access. See 43 CFR 2.71 for additional information.

Record source categories: MESA Academy instructors and students.

Interior/MESA—12

System name: Property Control—Interior, MESA—12.

System location: (1) MESA, Chief, Division of Management Services, 4015 Wilson Boulevard, Arlington, Virginia 22203. (2) Substantially all field offices listed in lists of field offices in Appendix.

Categories of individuals covered by the system: Employees who have custody or responsibility for MESA property.

Categories of records in the system: Contains information indicating what property, including equipment, application for motor vehicle operator's license, keys, motor pool vehicles, requests for assignment of carpool or reserved parking spaces, and transportation request books, for which the employee has custody and/or responsibility. A list is maintained of inventions by case numbers. In addition, all other records directly related to the property control function.

Authority for maintenance of the system: Federal Property and Administrative Services Act of 1949, as amended, 40 U.S.C. 483(b)(1).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Identification and control of MESA property by personnel working with the property control function. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, rule, regulation, order or license, whether civil, criminal, or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute,

rule, regulation, order or license violated or potentially violated. (4) Disclosure to a Federal, State or local agency maintaining civil, criminal or other relevant endorsement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the lettering of a contract, or the issuance of a license, grant or other benefit. (5) Disclosure to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the lettering of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in manual form in file folders or card indexes, a limited quantity of computer tape.

Retrievability: Safeguards meeting the requirements of 43 CFR 2.51 for manual records provided. Safeguards for computer records are as described in the National Bureau of Standards Booklet, "Computer Security Guidelines for Implementing the Privacy Act of 1974," and procedures developed by MESA under GSA Circular E-34.

Retention and disposal: Upon completion of use period, vital records are transferred to the Official Personnel Folder or Federal Records Center and all other records are destroyed.

System manager(s) and address: Chief, Division of Management Services, MESA, 4015 Wilson Boulevard, Arlington, Virginia 22203.

Notification procedure: Inquiries regarding records in this system should be addressed to the System Manager. Such requests must be submitted in writing and be signed by the requestor. For additional information, see 43 CFR 2.60.

Record access procedures: Individuals may write the System Manager at the Address indicated above for information concerning the procedures involved in gaining access to records in this system. For additional information on this subject, see 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be in writing and shall be addressed to the Systems Manager. See 43 CFR 2.71 for further information.

Record source categories: MESA employees and property control information required for accountability purposes.

Interior/MESA—44

System name: Vendor Payment Records—Interior, Reclamation—44.

System location: (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. (2) Reclamation office numbered 3, 4(a thru i), 5(a thru d), 7(a thru k), 9(a thru e) in Appendix.

Categories of individuals covered by the system: Individual who furnishes supplies or services. (The records contained in this system which pertain to individuals contain principally proprietary information concerning sole proprietorships. Some of the records in the system which pertain to individuals may reflect personal information, however. Only the records reflecting personal information are subject to the Privacy Act. The system also contains records concerning corporations and other business entities. These records are not subject to the Privacy Act.)

Categories of records in the system: Contains name, service rendered, payments made, and supporting records.

Authority for maintenance of the system: 40 U.S.C. 486(c), 31 U.S.C. 66a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Supporting documentation for disbursement of funds. (2) Transfer to U.S. Department of Justice in event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order, or license, whether civil, criminal, or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order, or license violated or potentially violated.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: complete file maintained in manual form in file folders.

Retrievability: by individual's name.

Safeguards: maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records.

Retention and disposal: in accordance with approved Retention and Disposal Schedules.

System manager(s) and address: Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

Notification procedure: An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the appropriate office listed under Location above. See 43 CFR 2.60.

Record access procedures: Same as Notification above. See 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual on whom record is maintained.

Interior/Reclamation—45

System name: Equipment, Supply and Service Contracts—Interior, Reclamation—45.

System location: (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. (2) General Services Branch, Bureau of Reclamation, Engineering and Research Center, P.O. Box 25007, Bldg. 67, Denver Federal Center, Denver, Colorado 80225. (3) Reclamation office numbered 4(a thru i), 5(a thru d), 6(a thru i), 7(a thru k), 9(a, b, c) in Appendix.

Categories of individuals covered by the system: Individuals who have entered into contracts with the agency for equipment, supplies, and services. (The records contained in this system which pertain to individuals contain principally proprietary information concerning sole proprietorships. Some of the records in the system which pertain to individuals may reflect personal information, however. Only the records reflecting personal information are subject to the Privacy Act. The system also contains records concerning corporations and other business entities. These records are not subject to the Privacy Act.)

Categories of records in the system: Contracts for the procurement of equipment, supplies, materials, and services; including reports of compliance or noncompliance to labor and other laws governing contract administration.

Authority for maintenance of the system: Reclamation Act of June 17, 1902, as amended, 43 U.S.C. 371, et seq., 40 U.S.C. 486(c) 31 U.S.C. 66a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Administration of the contract. (2) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records. (3) Transfer in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal, or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: maintained in manual form in file folders.

Retrievability: indexed by name of individual or by purchase order number.

Safeguards: maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records.

Retention and disposal: 3 years after final settlement.

System manager(s) and address: Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

Notification procedure: An individual may inquire whether or not the system contains a record pertaining to him by addressing a writ-

ten request to the head of the appropriate office listed under Location above. See 43 CFR 2.60 for submission requirements.

Record access procedures: Same as Notification above. See 43 CFR 2.63 for submission requirements.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: From individuals.

Interior/Reclamation—46

System name: Employee Trip Reports—Interior, Reclamation—46.

System location: (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. (2) General Services Branch, Bureau of Reclamation, Engineering and Research Center, P.O. Box 25007, Bldg. 67, Denver Federal Center, Denver, Colorado 80225. (3) Reclamation office numbered 5(a thru d), 7(a thru k) in Appendix.

Categories of individuals covered by the system: Staff personnel who have been authorized to review construction, maintenance, land matters, administrative duties, etc.

Categories of records in the system: Reporting condition in other offices as well as field office for informational or historical purposes.

Authority for maintenance of the system: 43 U.S.C. 373, 373a, 1457, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To document suggested improvements in operations or structure modifications. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, state, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: maintained in file folders and classified by the subject of purpose of the field trip.

Retrievability: by individual name.

Safeguards: maintained with safeguards meeting requirements of 43 CFR 2.51.

System manager(s) and address: Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

Notification procedure: An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the appropriate office listed under Location above. See 43 CFR 2.60 for submission requirements.

Record access procedures: Same as notification above. See 43 CFR 2.63 for submission requirements.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: From the employee taking the trip.

Interior/Reclamation—47

System name: Employees' Compensation Records—Interior, Bureau of Reclamation—47.

System location: All office listed in Appendix, except numbers 8(a thru h) and 9(a thru h).

Categories of individuals covered by the system: Reclamation employees.

Categories of records in the system: Copies of time and attendance reports and copies of information concerning injuries to Federal employees.

Authority for maintenance of the system: 5 U.S.C. 301, 3101, 8101, et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Reference to reply to employee request. (2) Transfer to U.S. Department of Justice in event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or

potential violation of a statute, regulation, rule, order or license, whether civil, criminal, or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order, or license violated or potentially violated.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: complete file maintained in manual form in file folders.

Retrievability: by individual's name.

Safeguards: maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records.

Retention and disposal: in accordance with approved Retention and Disposal Schedules.

System manager(s) and address: Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

Notification procedure: An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the appropriate office listed under Location (above) at which he is (or was) employed. See 43 CFR 2.60 for submission requirements.

Record access procedures: Same as Notification above. See 43 CFR 2.63 for submission requirements.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual on whom record is maintained.

Interior/BPA—10

System name: Land Records—Interior, BPA—10.

System location: (1) Bonneville Power Administration, Branch of Land, 1002 NE. Holladay Street, P.O. Box 3621, Portland, Oregon 97208. (2) Portland Area Office, Lloyd Plaza Building, 919 NE. 19th Avenue, Room 201, P.O. Box 3621, Portland, Oregon 97208. (3) Ross Complex, 5400 NE. Highway 99, P.O. Box 491, Vancouver, Washington 98660. (4) Spokane Area Office, U.S. Court House, West 920 Riverside Avenue, Room 561, Spokane, Washington 99201. (5) Walla Walla Area Office, West 101 Poplar, P.O. Box 1518, Walla Walla, Washington 99362.

Categories of individuals covered by the system: Individuals and/or companies from whom or to whom BPA has acquired or given interests in land.

Categories of records in the system: The records contain the individual's name, description of land tract, type of agreement, rights granted or received, and history of the transaction.

Authority for maintenance of the system: Bonneville Project Act; Act of August 20, 1937; 16 U.S.C. 832a(c)(e) as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To answer questions regarding land rights which BPA has granted to individuals or land rights individuals have granted to BPA. (2) Transfer to other Federal agencies as questions arise concerning specific tracts of land. (3) Transfer of information to individuals, companies, or private organizations to answer questions concerning tracts of land. (4) As a data source used to update maps. (5) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (6) Transfer in the event there is indicated a violation or potential violation of a statute, regulation, rule, order, or license, whether civil, criminal, or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local, or foreign, charged with the responsibility of investigation or prosecution of such violation or charged with enforcing or implementing the statute, rule, regulation, order, or license violated or potentially violated.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: WJ maintained on computer punch cards and magnetic tape; maintained manually in file folders and card files; the land tract register is stored in a safe; computer records (punched cards) are stored in a cabinet.

Retrievability: indexed by line identification, tract number, and contract number; cross referenced by name of landowner, grantee, or grantor.

Safeguards: records are maintained in accordance with 43 CFR 2.51.

Retention and disposal: records are permanently retained; magnetic tape file is updated as needed and old tape erased.

System manager(s) and address: Chief, Branch of Land, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208.

Notification procedure: An individual may inquire as to whether or not the system contains a record pertaining to him by contacting the System Manager. See 43 CFR 2.63.

Record access procedures: Individuals who wish to gain access to their records should contact the System Manager. See 43 CFR 2.63.

Contesting record procedures: Individuals who wish to contest their records should contact the System Manager. See 43 CFR 2.71.

Record source categories: Information in this system comes from individual landowners, grantees, or grantors; BPA officials; and State and local authorities.

Interior/BPA—11

System name: Accounts Receivable—Interior, BPA—11.

System location: Branch of Finance and Accounts, Bonneville Power Administration, 1002 NE. Holladay Street, P.O. Box 3621, Portland, Oregon 97208.

Categories of individuals covered by the system: Individuals who are indebted to BPA.

Categories of records in the system: The records contain the individual's name, bill number, amount owed, and date of billing.

Authority for maintenance of the system: 31 U.S.C. 66a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To assure collection of amounts due. (2) To provide data for accounting results. (3) To verify payment activity by individuals. (4) To verify accuracy of accounting results. (5) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (6) Transfer, in the event there is indicated a violation or potential violation of a statute regulation, rule, order, or license, whether civil, criminal, or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order, or license violated or potentially violated.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: maintained manually in file folders.

Retrievability: indexed by names of individual and bill number.

Safeguards: records are maintained in accordance with 43 CFR 2.51.

Retention and disposal: records are transferred to Federal Records Center 2 years after file is closed and destroyed by shredding 4 years thereafter.

System manager(s) and address: Chief, Branch of Finance and Accounts, Bonneville Power Administration, 1002 NE. Holladay Street, P.O. Box 3621, Portland, Oregon 97208.

Notification procedure: An individual may inquire whether or not the system contains a record pertaining to him by contacting the System Manager. See 43 CFR 2.63.

Record access procedures: Individuals who wish to gain access to their records should contact the System Manager. See 43 CFR 2.63.

Contesting record procedures: A petition for amend shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

Record source categories: Information in this system comes from the individual to whom it applies, BPA officials and law enforcement officials.

Interior/BPA—12

System name: Report of Inventions—Interior, BPA—12.

System location: Branch of Substation Design, Bonneville Power Administration, 1002 NE. Holladay Street, P.O. Box 3621, Portland, Oregon 97208.

Categories of individuals covered by the system: BPA employees who have produced an invention.

Categories of records in the system: The records contain the individual's name, address, title, job description, description of the invention, and copies of correspondence between the inventor and the Office of the Solicitor.

Authority for maintenance of the system: 43 CFR 6.4—6.6; Executive Order 10096 (January 23, 1950), Executive Order 10930 (March 24, 1961), 43 CFR 6.4—6.6.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To determine employee's rights to license invention. (2) To determine status of invention in process of securing patent. (3) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (4) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal, or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order, or license violated or potentially violated.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: maintained manually in file folders.

Retrievability: indexed by individual name and title of invention.

Safeguards: records are maintained in accordance with 43 CFR 2.51.

Retention and disposal: records are transferred to Federal Record Center after 10 years and retained indefinitely.

System manager(s) and address: Chief, Branch of Substation Design, Bonneville Power Administration, 1002 NE. Holladay Street, P.O. Box 3621, Portland, Oregon 97208.

Notification procedure: An individual may inquire as to whether or not the system contains a record pertaining to him by contacting the System Manager. See 43 CFR 2.60.

Record access procedures: Individuals who wish to gain access to their records should contact the System Manager. See 43 CFR 2.63.

Contesting record procedures: Individuals who wish to contest their records should contact the System Manager. See 43 CFR 2.71.

Record source categories: Information in this system comes from the individual inventor.

Interior/BPA—13

System name: Parking Assignment Records—Interior, BPA—13.

System location: Bonneville Power Administration, Branch of Administrative Services, 1002 NE. Holladay Street, P.O. Box 3621, Portland, Oregon 97208.

Categories of individuals covered by the system: Individuals requesting a parking permit.

Categories of records in the system: Name of individual, work telephone number, service computation date, and individual's work location.

Authority for maintenance of the system: 40 U.S.C. 471, et seq.; FMC 74-1; FPMR Temporary Regulation D-43.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Assignment of parking permits and assistance in locating carpools. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the record or the subject matter of the record. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order, or license, whether civil, criminal, or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order, or license violated or potentially violated.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: maintained in manual file.

Retrievability: indexed by name of individual and parking stall number.

Safeguards: locked file cabinet within locked room.

Retention and disposal: records destroyed every 6 months when new file is created.

System manager(s) and address: Chief, Branch of Administrative Services, Bonneville Power Administration, P.O. Box 3621 Portland, Oregon 97208.

Notification procedure: Inquiries regarding the existence of record should be addressed to the System Manager. A written, signed

request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

Record source categories: Data furnished by the individual.

Interior/BPA-14

System name: Security Clearance File—Interior, BPA-14.

System location: Branch of Personnel Management, Bonneville Power Administration, 1002 NE. Holladay Street, P.O. Box 3621, Portland, Oregon 97208.

Categories of individuals covered by the system: Occupants of critical-sensitive and non-critical sensitive positions.

Categories of records in the system: Contains notice of level of security clearance granted to the individual or notice of favorable full-filed report as well as forms DI 212 and 213, Standard Form 86, and AEC 1 (Parts 1 and 2) supplied by individual, as appropriate.

Authority for maintenance of the system: Executive Order 10450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To document clearances granted to individuals. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation,

whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: file maintained in individual folders.

Retrievability: folders identified by employee name

Safeguards: folders contained in locked cabinet.

Retention and disposal: destroyed when clearance requirement no longer exists or when employee separates.

System manager(s) and address: Chief, branch of Personnel Management, Bonneville Power Administration, 1002 NE. Holladay Street, P.O. Box 3621, Portland, Oregon 97208.

Notification procedure: Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Information supplied by individual, the U.S. Civil Service Commission; and the Energy Research and Development Administration.

NOTICES

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION

PRIVACY ACT OF 1974

System of Records

In the August 27, 1975, issue of the FEDERAL REGISTER, 40 FR 39219, the Equal Employment Opportunity Commission (hereinafter, the Commission) published Notices of the systems of records subject to the Privacy Act of 1974, 5 U.S.C. 552a, which are maintained by the Commission. During the period for public comment, some minor and major amendments to the Notices were made. The major amendments to the Notices were published in the September 30, 1975, issue of the FEDERAL REGISTER. The minor changes will be published in the Commission's annual Privacy Act Notices.

The period for public comment having expired, the Commission hereby adopts, with the above-referenced amendments, the Notices published in the August 27, 1975, issue of the FEDERAL REGISTER, 40 FR 39219, as its final Notices under the Act.

Signed this 30th day of September, 1975.

LOWELL W. PERRY,
Chairman.

[FR Doc.75-26552 Filed 10-2-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

(Docket No. 20605; FCC 75-1092)

In the Matter of Notice of Systems of Records Pursuant to the Privacy Act of 1974.

NOTICE OF SYSTEMS OF RECORDS

1. For the purpose of implementing the Privacy Act of 1974, P.L. 93-579, December 31, 1974, 5 U.S.C. 552(a), the Federal Communications Commission is issuing a notice of the existence and character of a system which it maintains and which contains pay, leave, and travel information about individuals.

2. Though this system has been in force at the Commission for years, it was inadvertently omitted when the other Commission systems were published in the Federal Register on August 29, 1975, 40 F.R. 40068.

3. Interested persons are invited to submit comments on the "routine uses" of the systems of records on or before October 30, 1975.

4. Authority for the proposed Notices of Systems of Records is contained in Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), and in the Privacy Act of 1974, Public Law 93-579, December 31, 1974, 5 U.S.C. 552(e) (4) and (11).

5. An original and 14 copies of all comments shall be furnished the Commission. Comments will be available for inspection in the Commission's Broadcast and Dockets Reference Room. All relevant and timely comments will be considered by the Commission prior to final action in this proceeding. In reaching its decision, the Commission may take into account other relevant information before it in addition to the specific comments invited by this Notice.

Adopted: September 29, 1975.

Released: Federal Communications Commission.

Vincent J. Mullins,
Secretary.

REQUESTING AGENCY TO THE EXTENT THAT THE INFORMATION IS RELEVANT AND NECESSARY TO THE REQUESTING AGENCY'S DECISION ON THAT MATTER.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: RECORDS ARE MAINTAINED IN MANUAL FILES IN FOLDERS, CARDS, MAGNETIC TAPES, AND LOOSE LEAF BINDERS.

Retrievability: RECORDS ARE INDEXED BY NAME.

Safeguards: RECORDS ARE MAINTAINED IN FILING CABINETS IN AN OFFICE THAT IS LOCKED WHEN NOT OCCUPIED BY STAFF. RECORDS ARE AVAILABLE ONLY TO AUTHORIZED PERSONNEL WHOSE DUTIES REQUIRE ACCESS.

Retention and disposal: RECORDS ARE MAINTAINED FOR VARYING PERIODS OF TIME FROM ONE YEAR TO PERMANENTLY. DISPOSAL IS BY SHREDDING.

System manager(s) and address: EXECUTIVE DIRECTOR, OFFICE OF EXECUTIVE DIRECTOR, 1919 M STREET, NW., WASHINGTON, D.C. 20554.

Notification procedure: SAME AS ABOVE. IT IS NECESSARY TO FURNISH THE FOLLOWING INFORMATION IN ORDER TO IDENTIFY THE INDIVIDUAL WHOSE RECORDS ARE REQUESTED:

- FULL NAME.
- DATE OF BIRTH.
- SOCIAL SECURITY NUMBER.
- MAILING ADDRESS TO WHICH THE REPLY SHOULD BE MAILED.

Record access procedures: SAME AS ABOVE.

Contesting record procedures: SAME AS ABOVE.

MANAGEMENT FUNCTIONS OR MANPOWER STUDIES; MAY ALSO BE UTILIZED TO RESPOND TO GENERAL REQUESTS FOR STATISTICAL INFORMATION (WITHOUT PERSONAL IDENTIFICATION OF INDIVIDUALS) UNDER THE FREEDOM OF INFORMATION ACT OR TO LOCATE SPECIFIC INDIVIDUALS FOR PERSONNEL RESEARCH OR OTHER PERSONNEL MANAGEMENT FUNCTIONS.

C. FOR LITIGATION IN A FEDERAL COURT WHERE REQUIRED.

D. TO REFER, WHERE THERE IS AN INDICATION OF A VIOLATION OR POTENTIAL VIOLATION OF LAW, WHETHER CIVIL, CRIMINAL OR REGULATORY IN NATURE, TO THE APPROPRIATE AGENCY, WHETHER FEDERAL, STATE, OR LOCAL, CHARGED WITH THE RESPONSIBILITY OF INVESTIGATING OR PROSECUTING SUCH VIOLATION OR CHARGED WITH ENFORCING OR IMPLEMENTING THE STATUTE, OR RULE, REGULATION OR ORDER ISSUED PURSUANT THERETO.

E. TO REQUEST INFORMATION FROM A FEDERAL, STATE OR LOCAL AGENCY MAINTAINING CIVIL, CRIMINAL, OR OTHER RELEVANT ENFORCEMENT OR OTHER PERTINENT INFORMATION IF NECESSARY TO OBTAIN RELEVANT INFORMATION TO AN AGENCY DECISION CONCERNING THE HIRING OR RETENTION OF AN EMPLOYEE, THE ISSUANCE OF A SECURITY CLEARANCE, THE LETTING OF A CONTRACT, OR OTHER BENEFIT.

F. TO PROVIDE INFORMATION OR DISCLOSE TO A FEDERAL AGENCY, IN RESPONSE TO ITS REQUEST, IN CONNECTION WITH THE HIRING OR RETENTION OF AN EMPLOYEE, OR OTHER BENEFIT BY THE

FCC/OED-12

System name: PAY, LEAVE, AND TRAVEL RECORDS-FCC/OED

System location: 1919 M STREET, NW., WASHINGTON, D.C. 20554

Categories of individuals covered by the system: ALL COMMISSION EMPLOYEES.

Categories of records in the system: CONTAINS VARIOUS RECORDS REQUIRED TO ADMINISTER THE PAY, LEAVE, AND TRAVEL REQUIREMENTS OF THE FEDERAL COMMUNICATIONS COMMISSION.

Authority for maintenance of the system: 44 U.S.C. 3101, 3102, 3309.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: THESE RECORDS ARE USED AS INDICATED BELOW:

A. TO AUTHORIZE PAYROLL DEDUCTIONS FOR ALLOTMENTS, SAVINGS BONDS, CHARITABLE CONTRIBUTIONS, UNION DUES, HEALTH BENEFITS AND LIFE INSURANCE; COLLECT INDEBTEDNESS FOR OVERPAYMENT OF SALARY AND UNPAID INTERNAL REVENUE TAXES; PAY INCOME TAX OBLIGATION TO INTERNAL REVENUE SERVICE; AU AUTHORIZE MAILING OR HOLDING SALARY CHECKS OR SAVINGS BONDS; AUTHORIZE ISSUING OF SALARY CHECKS BY TREASURY DEPARTMENT; OBTAIN REIMBURSEMENT OF TRAVEL EXPENSES FOR OFFICIAL BUSINESS; REPORT GROSS WAGES AND SEPARATION INFORMATION FOR UNEMPLOYMENT COMPENSATION; PAY ANY UNCOLLECTED COMPENSATION DUE A DECEASED EMPLOYEE; AND PROVIDE FOR A SUMMARY OF EMPLOYEES PAYROLL DATA AND RETIREMENT CONTRIBUTIONS.

B. AS A DATA SOURCE FOR MANAGEMENT INFORMATION FOR PRODUCTION OF SUMMARY DESCRIPTIVE STATISTICS AND ANALYTICAL STUDIES IN SUPPORT OF THE FUNCTION FOR WHICH THE RECORDS ARE COLLECTED AND MAINTAINED, OR FOR RELATED PERSONNEL.

Record source categories: INFORMATION IS PROVIDED BY MANAGEMENT OFFICIALS AND BY THE INDIVIDUAL ON WHOM THE RECORD IS MAINTAINED.

[FR Doc.75-26411 Filed 9-29-75; 4:12 pm]

FEDERAL TRADE COMMISSION

PRIVACY ACT OF 1974

Notices of Systems of Records

The Commission proposes to adopt the following notices of systems of records (which were inadvertently omitted from the group of notices published on August 27, 1975) maintained by the Commission and required to be published in the Federal Register pursuant to the Privacy Act of 1974 (P.L. 93-579, 5 U.S.C. sec. 552a).

In accordance with secs. 552a(e)(4)(D) and (e)(11) of the Privacy Act, interested persons may submit written data, views, or arguments pertaining to the routine uses set forth in each of these notices. Comments on these routine uses received by the Commission within 30 days of publication of these notices and routine uses will be considered by the Commission before taking final action on the notices of routine uses. Comments should be addressed to the Secretary, Federal Trade Commission, Washington, D.C. 20580.

The Commission has determined to modify the entry for retention and disposal of the system of records entitled Unofficial Personnel Records. This system consists of written notes or memoranda maintained by various supervisors on such matters as employee performance, leave, work assignments, and disciplinary problems. The notice for this system, published on August 27, 1975, provided that the records are destroyed when the employee no longer works for the supervisor maintaining the records. Pursuant to the modification, records are destroyed when no longer relevant to the purpose for which they were compiled and maintained. Generally, the records are destroyed when the employee no longer works in the Bureau or Office which compiled and maintained the information. This change in retention and disposal of unofficial personnel records has been made to allow supervisors to transfer relevant information to succeeding supervisors of the employee, and to permit use of such records in a pending or anticipated personnel action or proceeding. Following is the revised notice.

By direction of the Commission.

Dated: September 26, 1975.

Clifford G. Thuot
Acting Secretary

FTC-42

System name: Basis Computerized System, Bureau of Competition—FTC

System location:

Computer Services Corporation
Infunct Center
650 N. Sepulveda Boulevard
Los Angeles, California 90245

Categories of individuals covered by the system: Professional staff of the Bureau of Competition.

Categories of records in the system: Name of professional staff member, sequence number (assigned to attorney), case assignment, deadline, expenditure of time, supervising attorney, assistant director responsible for overall case.

Authority for maintenance of the system: Federal Trade Commission Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by supervisory personnel of Bureau of Competition for management purposes, including management of caseload and as budgeting tool.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Computer magnetic discs indexed by data basis.

Retrievability: By name of professional, sequence number, or other data element.

Safeguards: By password only. Access restricted to those agency personnel whose responsibilities require access.

Retention and disposal: Retained indefinitely.

System manager(s) and address:

Assistant Director for Evaluation
Bureau of Competition
Federal Trade Commission *

Notification procedure: By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information obtained from reports from Assistant Directors, Bureau of Competition, and from professional assigned to case.

FTC-43

System name: Internal Assignment Tracking System, Office of General Counsel—FTC.

System location:

Office of General Counsel
Room 566
Federal Trade Commission
6th Street & Pennsylvania Avenue, N.W.
Washington, D.C. 20580.

Categories of individuals covered by the system: Professional staff of the Office of General Counsel.

Categories of records in the system: Control number, subject and status of assignment, supervising attorney, date received, current deadline, original deadline, date completed, and, if Freedom of Information Act appeal, whether access granted.

Authority for maintenance of the system: Federal Trade Commission Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by supervisory personnel of General Counsel's Office for management purposes, including controlling attorney workload, tracking the status of assignments, and evaluating attorney performance.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored in computer.

Retrievability: By name of attorney, control number, or other data element.

Safeguards: By password only. Access restricted to those agency personnel whose responsibilities require access.

Retention and disposal: Retained indefinitely.

System manager(s) and address:

Administrative Officer,
Office of General Counsel

Notification procedure: By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Assignments under responsibility of Office of General Counsel and instructions from staff.

FTC-41

System name: Unofficial Personnel Records—FTC

System location:

Federal Trade Commission
6th Street & Pennsylvania Avenue, N.W.
Washington, D.C. 20580
Indiana Building
633 Indiana Avenue, N.W.
Washington, D.C.
Star Building
1101 Pennsylvania Avenue, N.W.
Washington, D.C.
Gelman Building
2120 L Street, N.W.
Washington, D.C.
Pennsylvania Building
425 13th Street, N.W.
Washington, D.C.
M Street Building
1726 M Street, N.W.
Suite 1100
Washington, D.C.

Regional Offices:

Atlanta Regional Office
730 Peachtree Street, N.E.
Atlanta, Georgia 30308
Boston Regional Office
150 Causeway Street
Boston, Massachusetts 02144
Chicago Regional Office
55 East Monroe Street
Chicago, Illinois 60603
Cleveland Regional Office
1339 Federal Office Building
1240 East 9th Street
Cleveland, Ohio 44199
Dallas Regional Office
500 South Ervay Street
Dallas, Texas 75201
Kansas City Regional Office
2806 Federal Office Building
911 Walnut Street
Kansas City, Missouri 64106
Los Angeles Regional Office
13209 Federal Building
11000 Wilshire Boulevard
Los Angeles, California 90024
New Orleans Regional Office
1000 Masonic Temple Building
333 St. Charles Street
New Orleans, Louisiana 70130
New York Regional Office
2243-EB Federal Building
26 Federal Plaza
New York, New York 10007
San Francisco Regional Office
450 Golden Gate Avenue
San Francisco, California 94102
Seattle Regional Office
28th Floor Federal Building
915 Second Avenue
Seattle, Washington 98174
Washington, D.C., Regional Office
2120 L Street, N.W.
Washington, D.C. 20037

Categories of individuals covered by the system: Current and former employees of the Federal Trade Commission.

Categories of records in the system: This system of records contains information or documents about the employment and work history of individual employees. The types of records maintained vary with each supervisor and Commission unit. Each supervisor may maintain some or all of the following records: written notes or memoranda on employee performance (i.e., Attorney Evaluation Employment Forms), leave, work assignments, disciplinary problems.

Authority for maintenance of the system: Title 5 U.S.C. Sections 4301-4308; Sections 6101-6106; Sections 6301-6326; Sections 7301-7352; Sections 7501-7533.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To be used by the employee's supervisor in evaluating performance, preparing promotion and award recommendations, preparing informal or formal disciplinary actions, approving leave, making work assignments.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders.

Retrievability: These records are indexed by the names of individuals on whom they are maintained.

Safeguards: Access to and use of these records are limited to those whose official duties require such access. Personnel screening is used to prevent unauthorized disclosure.

Retention and disposal: Records are destroyed when no longer relevant to the purpose for which they were compiled and maintained. Generally, records are destroyed when the employee no longer works in the Bureau or Office which compiled and maintained the information.

System manager(s) and address: Employee supervisor, Federal Trade Commission.

Notification procedure: By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual to whom record pertains; supervisors of employee.

NOTICES

NUCLEAR REGULATORY
COMMISSION

PRIVACY ACT OF 1974

Notices of Systems of Records—Proposed
Routine Uses*Correction*

In the notices of systems of records published by the Nuclear Regulatory Commission on Wednesday, August 27, 1975, at page 38997, make the following changes:

1. The document should be identified in the file line as FR Doc. 75-22428.

2. In NRC-5 (page 38999), the item entitled "Record Source Categories" should be transferred to appear immediately following "Contesting Record Procedures," at the top of page 39000.

3. In NRC-18 (page 39004), the word "In?ormation" in the second line of "Record Access Procedures" should read "Information."

4. In NRC-21 (page 39006), the word "per?ormance" in the fifth line of "Categories of records in the system" should read "performance."

5. In NRC-25 (page 39008), the word "?orm" in "Storage" should read "form," and the "N" at the end of "Retention and disposal" should be deleted.

6. In NRC-31 (page 39010), the word "?or" in the third line of "Routine Uses . . ." should read "for," and the word "staf?s" in the first line of "Safeguards" should read "staffs."

7. In NRC-32 (page 39011), the word "?or" in the second line of c. in "Routine uses . . ." should read "for."

federal register

FRIDAY, OCTOBER 3, 1975



PART V:

DEPARTMENT OF JUSTICE

■

VOTING RIGHTS ACT

**Interim Guidelines Regarding
Language Minority Groups**

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 825-75]

PART 55—IMPLEMENTATION OF THE PROVISIONS OF THE VOTING RIGHTS ACT REGARDING LANGUAGE MINORITY GROUPS

Interim Guidelines

The Voting Rights Act Amendments of 1975, Public Law 94-73, amend the Voting Rights Act of 1965, 42 U.S.C. 1973-1973bb-4, in a number of significant ways. Among the new provisions are requirements that certain States and political subdivisions conduct elections and registration in the language of certain "language minority groups," as well as in English.

There follows a new Part, to be added to Title 28 of the Code of Federal Regulations, which sets forth the Attorney General's initial interpretation of the provisions concerning the conduct of elections in languages in addition to English. This Part is interim in nature and, on the basis of comments received from interested parties and subsequent experience, its provisions may be modified. Any group or individual who wishes to submit written comments may do so. Such comments should be submitted on or before January 2, 1975. Comments should be sent, in duplicate, to: Assistant Attorney General, Civil Rights Division, Department of Justice, Washington, D.C. 20530.

The objective of the Act's provisions is to make the total registration and voting process in the language of the applicable language minority group comparable to the registration and voting process in English. This Part sets up two basic standards for compliance: 1) that materials and assistance should be provided in a way designed to allow members of applicable language minority groups to be informed of and participate in voting connected activities as effectively as English speaking persons are informed of and participate in such activities; and 2) that the jurisdiction should take all reasonable steps to achieve that goal.

Although this Part does not treat with specificity aspects of the electoral process other than voting, States and political subdivisions subject to the bilingual requirements of the Act are not relieved of their obligation to provide in the language of the applicable language minority group materials and assistance relating to such other aspects (e.g., registration, notices, and voter information). Sections 55.9-55.15 provide guidance to States and political subdivisions regarding the provision of such materials and assistance.

Compliance with Section 5 of the Voting Rights Act will also be treated in the permanent guidelines. However, States and political subdivisions subject to the preclearance requirements of Section 5 by operation of the 1975 Amendments are reminded of their duty to submit to the Attorney General all changes in voting practices and procedures adopted

since November 1, 1972, or to subject them to a declaratory judgment action in the United States District Court for the District of Columbia. See 28 CFR 51.

Because the new Part is interpretative and because some jurisdictions which are covered by the new requirements have elections scheduled for the near future, this Part shall take effect on October 3, 1975.

Should any jurisdiction be confronted with issues regarding the implementation of the bilingual requirements which are not covered in these guidelines, appropriate officials may contact the Assistant Attorney General, Civil Rights Division, in order to discuss possible methods of compliance.

Section numbers, such as "Section 14 (c) (3)," refer to the Voting Rights Act of 1965, as amended.

Date: October 1, 1975.

EDWARD H. LEVI,
Attorney General.

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AUTHORITY: 5 U.S.C. 301, Pub. L. 94-73.

Subpart A—General Provisions

§ 55.1 Purpose.

The purpose of this Part is to set forth the Attorney General's interpretation of the provisions of the Voting Rights Act, as amended by Public Law 94-73 (1975), which require certain States and political subdivisions to conduct elections in the language of certain "language minority groups" in addition to English.

The requirements set forth in this Part should be regarded as minimum standards and are not intended to prevent affected jurisdictions from taking additional steps to further the policy of the Act. By virtue of the Supremacy Clause of Art. VI of the Constitution, the provisions of the Act override any inconsistent State laws.

§ 55.2 Definitions.

For purposes of this Part—

(a) "Act" means the Voting Rights Act of 1965, 79 Stat. 437, as amended by the Voting Rights Act Amendments of 1970, 84 Stat. 314, and the Voting Rights Act Amendments of 1975, Pub. L. 94-73, 42 U.S.C. 1973 et seq.

(b) "Attorney General" means the Attorney General of the United States.

(c) "Language minority" or "language minority group" means persons who are American Indian, Asian American, Alaskan Natives, or of Spanish heritage. Sections 14(c) (3), 203(e). As used in this Part, "applicable language minority group" refers to the group or groups listed in the determinations as to coverage published in the Federal Register.

(d) "Political subdivision" means: "... any county or parish, except that where registration for voting is not conducted under the supervision of a county or parish, the term shall include any other subdivision of a State which conducts registration for voting." Section 14(c) (2).

§ 55.3 Statutory provisions.

The Act's requirements concerning the conduct of elections in languages in addition to English are contained in Section 4(f) (4) and section 203(c).

(a) Section 4(f) (4) of the Act. (1) Section 4(f) (4) states that whenever a jurisdiction subject to its terms "provides any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, it shall provide them in the language of the applicable language minority group as well as in . . . English . . ."

(2) The States and political subdivisions to which Section 4(f) (4) applies are determined, under the terms of the Act, by reference to other portions of the statute.¹ Read together with these other portions, Section 4(f) (4) applies to any State or political subdivision in which (i) over five percent of the voting-age citizens were, on November 1, 1972, members of a particular language minority, (ii) registration and election materials were provided only in English on November 1, 1972, and (iii) less than 50 percent of the voting-age citizens were registered to vote or voted in the 1972 Presidential election. All three conditions must be satisfied before coverage lies under Section 4(f) (4).

(3) Coverage under section 4(f) (4) may be terminated (via Section 4(a)) by obtaining from the U.S. District Court for the District of Columbia a declaratory judgment that there has been no discriminatory use of English-only voting materials (a "test or device" under section 4(f) (3)) for a period of ten years. When an entire State is covered in this regard, only the State, and not individual counties within the State, may bring an action to terminate coverage.

¹ The other portions of the Act referred to above are Sections 4(a) (second sentence), 4(b) (third sentence), and 4(c).

(b) *Section 203(c) of the Act.* (1) Section 203(c) states that whenever a jurisdiction subject to its terms "provides any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, it shall provide them in the language of the applicable language minority group as well as in . . . English. . . ."

(2) Section 203(c) applies (by reference to section 203(b)) to any State or political subdivision where over five percent of the voting age citizens are members of a particular language minority group and the illiteracy rate of such persons is higher than the national illiteracy rate of voting-age citizens. It is the language of this minority group that is required on registration and election materials.

(3) Although an entire State may be covered under this formula (set out in section 203(b)), the requirements of section 203(c) would not apply in any of the State's political subdivisions within which the applicable language minority group accounts for less than five percent of the voting-age citizens. For example, if ten percent of the voting-age citizens of a State are persons of Spanish heritage (and such persons have an illiteracy rate that is above the national rate), a county in which less than five percent of voting-age citizens are persons of Spanish heritage would not be prohibited by Section 203(c) from conducting elections solely in English.

(4) The requirements of section 203(c) apply until August 6, 1985. A covered State or political subdivision may terminate such coverage if it can prove, in a declaratory judgment action before a United States district court, that the illiteracy rate of the applicable language minority group has become equal to or less than the national illiteracy rate.

(5) Unlike jurisdiction subject to the requirements of section 4(f)(4), jurisdictions subject only to the requirements of section 203(c) are not also subject to the Act's special provisions, such as section 5 (regarding preclearance of changes in voting laws) and section 6 (regarding Federal examiners).

(c) *The relation between section 4(f)(4) and section 203(c).* (1) The statutory requirements of section 4(f)(4) and section 203(c) regarding minority language material and assistance are essentially identical.

(2) Although the coverage formulas applicable to section 4(f)(4) and section 203(c) are different, a State or a political subdivision may be included within both of the coverage formulas. Under these circumstances, a judgment terminating coverage of the jurisdiction under one provision would not in itself authorize the conduct of elections only in English; the jurisdiction would not be able to conduct elections solely in English until it had also succeeded in terminating coverage under the other applicable provisions. Such judgments are authorized under sections 4(a) and 203(d) of the Act.

§ 55.4 Effective date; interim nature of this Part.

(a) *Effective date of the 1975 amendments.* (1) The 1975 Amendments took effect upon the date of their enactment, August 6, 1975. (i) The requirements of Section 4(f)(4) take effect upon publication in the FEDERAL REGISTER of the requisite determinations of the Director of the Census and the Attorney General. See Section 4(b). Such determinations are not reviewable in any court.

(ii) The requirements of Section 203(c) take effect upon publication in the FEDERAL REGISTER of the requisite determinations of the Director of the Census. See section 203(b). Such determinations are not reviewable in any court.

(2) (i) The lack of any delay in the effectiveness of the requirements of "bilingual" (or "multi-lingual") elections may create practical difficulties for covered jurisdictions, particularly those with elections scheduled shortly after the time that coverage commences. One way of lessening such difficulties is for jurisdictions which are likely to be covered to take steps, in advance of the formal determinations of coverage, toward compliance with the Act's requirements. (See also § 55.13(e).)

(ii) The requirements concerning bilingual material and assistance are prospective in effect. For example, if a county which becomes subject to coverage on October 15 has an election scheduled for November 1 and the time for registering for that election expired on October 1, the county would not be required to reopen the registration period in order to permit registration in the pertinent minority language, but would be required to publish all election materials utilized after October 15, including instructions to voters and ballots, in the pertinent minority language. See § 55.13(d) and § 55.13(e).

(3) Jurisdictions which are subject to section 4(f)(4) are also subject to the preclearance requirements of section 5. Procedures published September 10, 1971, for the administration of section 5 are set forth in 28 CFR 51. In some respects, modification of those procedures may be necessary in order to implement the 1975 Amendments. Generally, however, the procedures set forth in 28 CFR § 51 will remain unchanged.

(b) *Effective date of this Part; interim nature.* (1) This Part takes effect October 3, 1975.

(2) This Part represents the Department of Justice's initial interpretation of provisions of the 1975 Amendments to the Act, and therefore should be considered interim guidelines. On the basis of comments submitted by interested parties and the Department's experience, the provisions of this Part may be modified.

Subpart B—Nature of Coverage

§ 55.5 Coverage under section 4(f)(4).

(a) *General.* As noted in § 55.3(a), coverage may be determined with regard to section 4(f)(4) on a State or political subdivision basis.

(b) *State-based coverage.* (1) When ever the determination is made that the bilingual requirements of section 4(f)(4) are applicable to an entire State, these requirements apply to each of the State's political subdivisions as well as to the State. In other words, each political subdivision within a covered State is subject to the same requirements as is the State.

(2) Since actions taken by States and political subdivisions after November 1, 1972, in this regard are changes affecting voting within the meaning of Section 5, 42 U.S.C. 1973c, compliance with section 5 is necessary with regard to such changes, and the changes will be reviewed according to the provisions of Section 5 and the section 5 guidelines (published at 28 CFR 51).

(c) *Political subdivision-based coverage.* (1) Coverage of a political subdivision under section 4(f)(4) may result either from a coverage determination made with regard to the State (see § 55.5(b)) or, where an entire State is not covered, with regard to the political subdivision itself.

(2) Since actions taken by political subdivisions after November 1, 1972, in this regard are changes affecting voting within the meaning of section 5, compliance with section 5 is necessary with regard to such changes, and the changes will be reviewed according to the provisions of section 5 and the Section 5 guidelines (published at 28 CFR 51).

§ 55.6 Coverage under section 203(c).

(a) *General.* As noted in § 55.3(b), coverage may be determined with regard to section 203(c) on a State or a political subdivision basis.

(b) *State-based coverage.* Whenever section 203(c) applies to a State, the bilingual requirements of section 203(c) apply only in the State's political subdivisions where five percent or more of the voting-age citizens are members of the applicable minority language group. For example, it might be determined that six percent of a State's voting-age citizens are Chinese American and six percent are persons of Spanish heritage, and that the illiteracy rate of each of the minority language groups in the State exceeds the national rate. With regard to one of the State's counties where ten percent of the voting-age citizens are persons of Spanish heritage and one percent are Chinese Americans, section 203(c) would require that the county provide written material and assistance in Spanish, but not in Chinese.

(c) *Political subdivision-based coverage.* A political subdivision may become subject to section 203(c) on the basis of a determination (under section 203(b)) regarding the State, or regarding the political subdivision itself.

§ 55.7 Coverage of political units within a county.

Where a political subdivision (e.g., a county) is determined to be subject to section 4(f)(4) or section 203(c), all political units which hold elections within that political subdivision (e.g., cities,

school districts) are subject to the same requirements as the political subdivision for providing registration and election materials and assistance.

§ 55.8 Types of elections covered.

(a) *General.* The pertinent provisions of the Act apply to registration for and voting in any type of election, whether it is a primary, general or special election. Section 14(c) (1). This includes elections of officers as well as elections regarding such matters as bond issues, constitutional amendments and referendums. Federal, State and local elections are covered as are elections of special districts, such as school districts and water districts.

(b) *Elections for statewide office.* If an election conducted by a county relates to Federal or State offices as well as county offices, a county subject to the bilingual requirements must insure compliance with those requirements with respect to all aspects of the election, i.e., the minority language material must deal with the Federal and State offices or issues as well as county offices or issues.

(c) *Multi-county districts.* Regarding elections for an office representing more than one county, e.g., State legislative districts and special districts which include portions of two or more counties, the bilingual requirements are applicable on a county-by-county basis. Thus, minority language material and assistance need not be provided by the government in counties not subject to the bilingual requirements of the Act.

Subpart C—Determining the Exact Language

§ 55.9 General.

A jurisdiction subject to the requirements of section 4(f) (4) or section 203 (c) is obligated to conduct its elections in the language of one or more language minority groups, as well as in English. The groups in question are indicated in the determinations of the Attorney General or the Director of the Census. This Subpart relates to the matter of determining precisely what language is to be employed.

§ 55.10 Language used for written material.

(a) *Languages with more than one written form.* Some languages may have more than one written form. A jurisdiction required to provide election material in such a language need not provide more than one version. The particular version of the language which is used should be the one most widely used by the jurisdiction's voting-age citizens who are members of the language minority group.

(b) *Unwritten languages.* The language of certain of the language minority groups, such as some American Indian tribes and Alaskan Natives, is unwritten. With respect to any such language, only oral assistance is required. Further, only oral assistance is required for such language as those of certain Alaskan Natives and American Indian tribes which are "historically unwritten,"

even though the languages have been put into written form by scholars.

§ 55.11 Language used for oral assistance.

Certain of the pertinent languages may have several dialects. Where this is the case, the jurisdiction's obligation is to ascertain the dialect (or dialects) which will be most effective and to make a reasonable effort to provide oral assistance in such dialects. In addition, if a jurisdiction is covered because of an American Indian population consisting of several tribes which speak different languages, the jurisdiction's obligation is to ascertain the American Indian languages which are used most widely and to make a reasonable effort to provide oral assistance in such languages. See also § 55.14.

Subpart D—Minority Language Material and Assistance

§ 55.12 Stages of the electoral process.

The requirements of sections 4(f) (4) and 203(c) apply with regard to the provision of "any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots." These requirements are designed to allow members of applicable language minority groups to be informed of and participate in voting connected activities as effectively as English speaking persons are informed of and participate in such activities. Accordingly, the quoted language should be broadly construed to apply to all stages of the electoral process, from voter registration through activities related to conducting elections, including the issuance, at any time during the year, of notifications or announcements that bear upon the electoral process.

§ 55.13 Written material.

(a) *Printing of materials.* In order to comply with the requirements of section 4(f) (4) or section 203(c), jurisdictions should print all pertinent material (either on the same document as the English version or on a separate document) in the language of the applicable language minority group.

(b) *Accuracy, completeness.* It is essential that material provided in the language of a language minority group be clear, complete and accurate. Each covered jurisdiction shall take appropriate steps to insure compliance with this requirement. The objective is to ensure that members of language minority groups are able to participate effectively in the electoral process.

(c) *Publicity.* Each covered jurisdiction shall take appropriate steps to publicize the availability of written material and assistance in the minority language. Such steps shall include the display of appropriate notices, in the minority language, at voter registration offices, polling places, etc.

(d) *Distribution of materials.* One method of complying with the Act when distribution of written material (e.g., voter information handbooks) is required is to provide all such material in

bilingual form (either on the same document or separate documents) to all recipients of such material. A jurisdiction subject to the minority language requirements of the Act should make such a completely bilingual distribution unless it is prepared to demonstrate that it has developed an alternative means of distribution which, although it is not completely bilingual, ensures that all language minority group voters who wish to receive minority language materials can do so as readily as English speaking voters can receive English materials. For example, a system which effectively targets language minority group voters and identifies them for receipt of minority language materials would be acceptable if the system were guaranteed to reach persons who would desire such materials. A jurisdiction should be aware that should it choose to use such an alternative method of distribution, the system elected must ensure that language minority group members have the opportunity to cast effective ballots.

(e) *Impossibility.* When determinations as to coverage have been published in the FEDERAL REGISTER, the jurisdictions subject to the minority language requirements are under an immediate obligation to provide minority language materials. In some cases this may result in an inability to comply fully with the requirements of the Act. For example, if determinations as to coverage were published on October 20, and a covered jurisdiction were scheduled to conduct an election on October 21, it might prove impossible to print all election materials in the minority language. In such situations, jurisdictions should take all reasonable steps, given time limitations, to provide the maximum minority language assistance. Such jurisdictions should be prepared to demonstrate that time limitations have precluded the complete implementation of the Act.

Where voting machines are used which cannot mechanically accommodate a minority language ballot, it is sufficient to provide sample ballots for use in the polling booths. The sample ballot should be a complete and accurate translation of the English ballot, and should contain or be accompanied by instructions in the minority language explaining the operation of the voting machine. If possible, the sample ballot should be hung so that it is clearly visible and at the same level as the machine ballot on the inside of the polling booth. To the extent practicable, the sample ballot should be identical in layout to the machine ballot, and its size and typeface should be the same as that appearing on the machine ballot. Where space limitations preclude affixing the translated sample ballots to the polling booths, language minority group voters should be allowed to carry sample ballots into the voting booths.

§ 55.14 Oral assistance.

(a) As noted in § 55.12, whenever a jurisdiction is subject to any of the bilingual requirements of Section 4(f) (4) or 203, the duty to provide oral minority language assistance applies to all stages

of the electoral process, including voter registration and voting.

(b) Regarding assistance at polling places, a covered jurisdiction must first determine the type of oral assistance which must be provided. This matter is discussed in § 55.11.

(c) As with the distribution of written materials (see § 55.13(d)), one method of complying with the Act would be to provide oral minority language assistance within each of the precincts of a covered jurisdiction. A jurisdiction should provide such oral assistance at all precincts unless it is prepared to demonstrate that it has developed an alternative means of providing such assistance which ensures that voters who wish such assistance may readily obtain it. For example, a jurisdiction could target precincts in which a need for minority language assistance exists and provide it only in such precincts. Should a jurisdiction choose to use such an alternative method for the provision of oral assistance, the system chosen must ensure that language minority group members have the opportunity to cast effective ballots.

(d) It will also be necessary to determine the number of helpers (i.e., persons to provide oral assistance in the minority language) which must be provided. This matter depends upon such factors as the total number of election workers, the number of the precinct's registered voters who are members of the applicable language minority group and the number of such persons who are unable to use English. The basic standard is one of effectiveness.

(e) Another pertinent consideration is the ability of a voter to be assisted by a person of his own choice. Where this is permitted or required by State law, the obligation of the jurisdiction to provide minority language helpers may be reduced. However, adequate provision must be made for voters who are unable or unwilling to have their own helper.

§ 55.15 Multilingual elections.

Some jurisdictions may be under an obligation to provide written materials and oral assistance in two or more languages, other than English. It is recognized that for such jurisdictions, problems of time limitations and mechanical infeasibility (see § 55.13(e)) may be

compounded. The basic standards for compliance with the Act are equally applicable to such jurisdictions: (1) that materials and assistance should be provided in a way designed to allow members of applicable language minority groups to be informed of and participate in voting connected activities as effectively as English speaking persons are informed of and participate in such activities; and (2) that the jurisdiction should take all reasonable steps to achieve that goal. Such a jurisdiction should provide, and make appropriate distribution of all materials multilingually. See § 55.13(d).

Subpart E—State Plan; Record Keeping

§ 55.16 State plan.

(a) Section 4(f)(4). (1) Each jurisdiction subject to section 4(f)(4) is also subject to the preclearance requirements of Section 5. For many such jurisdictions, changes in voting laws and practices will be necessary in order to comply with section 4(f)(4). Such changes are subject to the section 5 preclearance process and therefore must either be submitted to the Attorney General or be made the subject of a declaratory judgment action in the United States District Court for the District of Columbia. With respect to a jurisdiction not previously subject to Section 5, preclearance is required with regard to any voting law or practice which was not in effect or administered on November 1, 1972.

(2) The Attorney General suggests, but does not require, that States and political subdivisions subject to Section 4(f)(4) adopt and submit plans for compliance with the bilingual requirements of that section. Where a State is covered as a whole by section 4(f)(4), one plan, applicable statewide, could be submitted. Where several political subdivisions within a State are covered, they may wish to submit a unified plan for compliance. Such plans would generally provide for application of the Act and this Part within the State or its political subdivisions in light of the State's election laws. In States which have laws regarding bilingual elections, such a plan would take the form of a submission of the State law, together with a description of the methods used to implement it, and a description of any procedures to be employed in addition to those required by

the State law in order to implement section 4(f)(4) and this Part. Any such plan should be made available to the public, in English and in the language of any applicable language minority group. Comments received from the public will assist the Attorney General in evaluating the plan under section 5.

(b) Section 203. A jurisdiction covered by section 203(c) only is not subject to the preclearance requirements of section 5. Nonetheless, the Attorney General suggests, but does not require, that States and political subdivisions which are covered by section 203(c) prepare plans regarding compliance with the bilingual requirements, as described in § 55.16(a). If such a plan is adopted, a copy should be sent to: Assistant Attorney General, Civil Rights Division, Department of Justice, Washington, D.C. 20530.

§ 55.17 Record keeping.

In order to facilitate implementation of the Act's provisions concerning language minority groups, the Attorney General suggests, but does not require, that each covered jurisdiction maintain such records and data as will document its actions under those provisions, including, for example, records on such matters as alternatives considered prior to taking such actions, and the reasons for choosing the actions finally taken.

Subpart F—Sanctions

§ 55.18 Enforcement by the Attorney General.

(a) The Attorney General is authorized to bring civil actions for appropriate relief against violations of the Act's provisions, including section 4 and section 203. See sections 12(d) and 204.

(b) Also, certain violations may be subject to criminal sanctions. See section 11(a)-(c) and section 205.

Subpart G—Comment on This Part

§ 55.19 Procedure.

In light of the interim nature of these guidelines the Attorney General invites public comments and suggestions during the interim period. Any party who wishes to make such suggestions or comments may do so by sending them to: Assistant Attorney General, Civil Rights Division, Department of Justice, Washington, D.C. 20530.

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